



## MINUTES

Tuesday, May 7, 2019

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: Lisa Berkley, Adam Urrutia, Frank O’Connell, Mayor Pro-Tem/Vice Chair, Gail Morton, 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, two cases of existing litigation pursuant to paragraph (1) of subdivision (d) of CA Govt. Code Section 54956.9: (1) City of Marina v. Public Utilities Commission of the State of California, Respondent California American Water Company et al. California Supreme Court Case S S253585; (2) Marina Community Partners LLC v. Fort Ord Reuse Authority, Monterey Superior Court Case 18CV000871.”
  - b. Conference with Legal Counsel-anticipated litigation- initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 – one potential case.
  - c. Conference with Legal Counsel –anticipated litigation – significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9 – two potential cases.
  - d. Real Property Negotiations
    - i. Property: Imjin Parkway/Landfill Site APNs 031-101-039,031-101-040, 031-101-041 and 031-101-042  
Negotiating Party: County of Monterey and Successor to the Redevelopment Agency of the County of Monterey  
Property Negotiator: City Manager  
Terms: Price and Terms

- ii. Property: Marina Municipal Airport Business Park  
Negotiating Party: Joby Aero, Inc.  
Property Negotiator: City Manager  
Terms: Price and Terms
- iii. Property: 2800 Second Avenue, Marina, CA  
Negotiating Party: Mark Tanous  
Property Negotiator: City Manager  
Terms: Price and Terms

**6:40 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 one of the items listed on the agenda, that being the Marina Community Partners LLC vs. Fort Ord Reuse Authority matter – Council received information and no reportable action was taken. There was no discussion of any of the other matters listed on the Closed Session, however Council has reserve the opportunity after the Open Session to return to Closed Session to consider some or all of those items on the agenda.

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

5. SPECIAL PRESENTATIONS:

a Proclamations

i. Poppy Month

b Safe Walking and Biking to School May 14-28, 2019 Pop-Up Demonstration

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.*

- Mike Owen – happy to have been informed that the Planning staff is submitting to Council at the May 21<sup>st</sup> meeting a recommendation to appoint Greg Simmons to the Tree Committee. Asked if during the next application process that if no new applications are received for the Tree Committee that if the current Tree Committee members last application could be used again for reappointment.
- Kevin P. Saunders, Coasterdam Corp – Noted he is submitting an application for one of Marina's cannabis businesses. Made general comments directed at Council Member O'Connell regarding his no vote on anything related to cannabis and the federal laws surround cannabis.
- Kathy Biala – Commented on last night's special council meeting regarding the CalAm Appeal. This was the second meeting on the topic of appeal of CalAm Coastal Development Permit after the Planning Commission denial. Wanted Council to appreciate how much effort it was for the public to participate in these meetings. I hope you do not take for granted your constituencies that

will back you one-hundred percent on the issues related to this illegal extraction from our critically over-drafted basin. Knows there must be both short-term and long-term ramifications of anything and everything this city does on the matter of CalAm. Has absolute faith the City and its legal team are working and planning in the best interests of Marina. Not privy to any legal strategies but accepts the directions of our Council to do what's best for all of us. Feels our city has already taken bold steps and will not succumb to CalAm's aggressive intimidation efforts. This is the most important fight that Marina will possibly ever have that will impact the ability of our community to thrive in the future. Please continue to fight the good fight and we citizens will be there for you. Thank you all very much.

- Paula Pelot – Would like to make comments on some of the comments that were just made about Council Member O'Connell. To me it's disgraceful that someone would think that that was ok, somebody suspects your often time not agreeing with each other on matters and when you bring it forward Councilman O'Connell as others have, have always expressed why. It's a reasoned decision on their part, they're entitled to that and to characterize them is as "old" or "out of it" or just somebody who says "no" is really unreasonable. Council Member O'Connell, I don't necessarily agree with your position on this, but I respect that it's your decision and I would ask that Council Members themselves start to think about how they treat each other and how they talk about other council members in public because I think it's been somewhat encouraged, and I think that needs to stop. Thank you
- Dan Amadeo – CalAm is trying to circumvent the process and you're all aware of that. They don't have the nerve to stand up and speak here in front of you all and the people of Marina. I don't know how you get around that because the CPUC and their deep pockets, but whatever you do don't let them get away with it. Commented on walking around the neighborhood lately and with all the rain we've had the grass and other shrubs within city property got pretty extravagant. Some of that stuff should be cleaned out pretty soon because it is really drying out fast. The cul-de-sac at the end of Cove Way has grass from hip high to knee high plus a couple of dead trees. Would encourage the city staff to go look at it. On behalf of Marina In Motion I would like to thank you for the courtesy of bring your staff to the forum. It was a good meeting and the people who were there learned a lot. Hopes the next time we do this next year it can be televised because there a lot to be learned from what the staff can represent to the people of Marina.
- Sam Rashkin – Asked Council what's going to happen to the burnt out building across from Jack-In-The-Box on Reservation Road? It would be nice to meet with the owner to see what their thoughts are. Commented on cannabis and federal legislation. When I said I represented people I didn't take money, I would meet with these small groups of nonprofits and then I would go speak on their behalf at city council meetings and commission meetings and at the beginning of every meeting and end of every meeting I would say it's federally illegal. There are certain rights that just go away and you're much more cautious. We're entering this new arena where because of social movements we're going to see things start on State basis or Local basis before it gets to federal levels. I'm on both sides of the canvass, so I think its safe and publicly available, but I do think there's federal considerations we have to take as citizens.
- Glenn Mell – Happy to have moved to Marina and have a business on Reservation Road. Looking got get involved with the community. Likes what he sees and asked if anyone has any ideas as far as fundraising we can work together pulling donations. We don't make a lot of money on the car sales but we pay more in taxes. Our new website is: [www.drivitca.com](http://www.drivitca.com) or can be reached at [glenn@driveitca.com](mailto:glenn@driveitca.com) . See a lot of activities going on in the city and looking to get more involved.
- Council Member Berkley – Wanted to say that she feels very grateful and wanted to take a moment to thanks everyone who showed up today and at yesterday's special meeting and at other Council

meetings. Your actions support the First Amendment which is such a crucial part of our democracy. Thank you for being how you are and showing up and you make me proud of our city.

- Mayor Pro-Tem Morton – Announced that FORA is have two meeting this week. First one on May 8<sup>th</sup> from 1:00-4:00 pm where they will be comparing the two Transition Plans; the second is on May 10<sup>th</sup> from 2:00-4:00 pm. Both meeting will be held at Carpenter’s Union Hall, 920 2<sup>nd</sup> Avenue.
- Council Member O’Connell – Submitted to the council a question as to a change or modification or a new policy relating to a situation where a council person unavailable for a meeting and not calling in and seeing whether or not a policy could be established whereby a member of the public could sit in the council person’s position of the purpose of asking questions and comments about agenda items in open session but not be allowed to vote on a particular matter. Will not be here on May 21<sup>st</sup> and will not be calling in so, between now and that time I’m going to be inquiring of the City Attorney as the whether or not something along that avenue can be tried and if agreed to by the City Manager put it on the consent agenda. Simply, it would be an adult Marina resident, that’s 18 years or older, being permitted to sit here. The absent council person would be the one to select the person to sit in their spot. If it’s appropriate by the City Attorney that we just put this on the consent agenda for May 21<sup>st</sup> or at a later date.
- Council Member Urrutia – This issue of odors emanating from north of Marina or from the landfill side from the fields continues to exist, it’s an ongoing issue and I’m going to be taking a tour of the landfill site and the various possible sources of the odor at the landfill site and after that I plan on calling a community meeting where I would invite representatives from the various agencies or companies that operate at that site and with Ramco who run the strawberry fields north of town. What I would like to do is invite members of the public who would be interested in this issue to assist with planning the community meeting. It’s really important that we have public input on how the meeting comes off and that everyone’s issues are addressed at that meeting. So, anyone who has been concerned about the issue of odors in Marina that would like to assist me that I would like to welcome you to reach out to me either by phone or email. My email is: [adam@adamformarina.com](mailto:adam@adamformarina.com) or by phone (831) 769-1800.
- Commander Anderson – Tomorrow we have our Annual Peace Officer Memorial in Marina. We do this every year to honor the fallen California officers who lost their lives in the line of duty. It is being held and celebrated at Saint Jude’s Church at 6:00pm. There will be a precession that starts at the Marina Airport prior to 6:00pm. we invite anyone who wants to attend.
- Mayor Delgado – This Saturday, May 11<sup>th</sup> at the Marina Library is the 6<sup>th</sup> Annual Children’s Birthday Celebration which starts at 10:00am; wanted to give a thank you to the Public Works crew for the work being done on the medians throughout town; On May 18<sup>th</sup> from 10:00-Noon will be a Community Clean-up along Del Monte Blvd and Lapis Road. Thanked all the volunteers who help with the clean-up efforts along this stretch of road.

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 92150-92308, totaling \$637,468.28  
 Successor Agency payments totaling: \$95.00  
 Wire transfers from Checking and Payroll for March 2019 totaling: \$510,716.33

b. MINUTES:

- (1) April 2, 2019, Regular City Council Meeting – *Bring back correction on May 21*
- (2) April 9, 2019, Special City Council Meeting
- (3) April 16, 2019, Regular City Council Meeting

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. 2019-44**, adopting an updated list of projects for fiscal year 2019-20 funded by SB 1: the road repair and accountability act of 2017.
- (2) ~~City Council consider adopting Resolution No. 2019, accepting the construction contract documents and authorizing staff to proceed with the public bidding process for the 2019 designated Airport Capital Improvement Project (ACIP) Extend Taxiway B East to Threshold of Runway 29 Construction, and; authorizing application for and acceptance of a revised Federal Aviation Administration (FAA) grant based on bids received, and; authorizing application for and acceptance of a State of California (Caltrans) match grant, and; authorizing the City Manager to execute referenced applications and grants.~~  
*Pulled by Council Member O’Connell, becomes agenda item 11c*

g. APPROVAL OF AGREEMENTS

- (1) ~~City Council consider adopting Resolution No. 2019, approving authorizing the City Manager to execute a revised contract with HdL Companies not to exceed \$49,500 to provide cannabis program subject matter expertise, to develop and manage the process to select permitted cannabis businesses, to provide inspection compliance services and to conduct a cost recovery study for the creation of application fees consistent with the voter approved Cannabis Ordinance, subject to final review and approval by the City Attorney.~~  
*Pulled by Council Member O’Connell, becomes agenda item 11d*

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

- i. MAPS: None
- j. REPORTS: (RECEIVE AND FILE):
  - (1) City Council receive Transportation Agency for Monterey County Update.
  - (2) City Council receive Monterey-Salinas Transit April 2019 Highlights
- k. FUNDING & BUDGET MATTERS:
  - (1) ~~City Council consider adopting Resolution No. 2019, approving budget amendments to the Fire Department budget in the amount of \$277,000 to reflect state of California Wildland Fire Response Reimbursements for Fiscal Year 2018/19. Pulled by Mayor Pro-Tem Morton, becomes agenda item 11e~~
- l. APPROVE ORDINANCES (WAIVE SECOND READING): None
- m. APPROVE APPOINTMENTS: None

Kathy Biala requested to pull agenda item 8b(1) for edits to her comment on Short-Term Rental. Comment is missing the following: *“But my neighbor lives there, and I know that at any time I can contact my neighbor directly if there are any problems”*.

Council Member O’Connell requested to pull agenda items 8f(2) and 8g(1) for discussion

Mayor Pro-Tem Morton requested to pull agenda items 8b(3) to be voted on separately so she could abstain and 8k(1) for discussion

**DELGADO/URRUTIA: TO APPROVE THE CONSENT AGENDA MINUS 8b(1), 8b(3), 8f(2), 8g(1) AND 8k(1). 5-0-0-0**

**DELGADO/URRUTIA: TO APPROVE AGENDA ITEM 8b(3). 4-0-0-1(Morton)**

- 9. PUBLIC HEARINGS:
  - a. City Council open public hearing, take any testimony from the public and consider adopting **Resolution No. 2019-45**, confirming diagram, assessment and ordering levy of \$180.78 for FY 2019-20 assessment for Cypress Cove II Landscape Maintenance Assessment District, and; authorizing City Clerk to file certified copy of diagram and assessment with the Monterey County Auditor-Controller Prior To Thursday, August 1, 2019.

Council Questions: Does the large tree trimming amount of \$13,950 this year that ends July 1<sup>st</sup> include any tree trimmings still to be done in the next couple months or is it behinds us now? It is planned that some of the Extra Ordinary Maintenance monies might be for tree trimming? Multi-use mail box replacement, who is responsible for replacing the old mailbox? Could it be voted in to be included in the Maintenance Agreement and still stay within the \$180.78? What’s our process to notify residents in any of our Landscape District for large tree removal? Pg. 9 of the report, we have \$7,000 planned for tree and plant replacement for 20/21 – how certain is that to be needed as compared to shifting some of it to this fiscal year for the purpose of addressing Abdy Way? Would that \$7,000 be enough for large tree trimming and extraordinary maintenance for topping or removal if necessary? Do you have any input on the mailboxes? Is that completely not a city matter? Are Dan’s and Nancy’s concerns about the trees on Abdy Way and Beach Road affordable to address with the \$7,000? What is the best way to notify residents of major repairs?

## Public Comments:

- Kayko Aitkens – Showed Council photos of large trees next to her property with branches that hang over the fence, hang over and touch the phone/cable lines and appear dead, who's responsible for the trimming of these trees?
- Nancy Amadeo – Read a statement by the Marina Tree & Garden Club about Cypress Trees. Showed pictures of a large Monterey Cypress along Abdy Way which shows the what happens when there isn't enough space. It has a broad base, narrow in the middle. The limbs on the homeowner's side grows heavy over the fence. Its not attractive and does not appear safe. Believes these trees to be a poor choice. They should not be pruned to make them look beautiful, they can never look beautiful. They should be removed, and another tree be chosen to plant there.
- Tom Mann – Wanted to talk about the mailboxes. It's been a big challenge. Not only do we not know who holds those mailboxes because all we have is numbers on the front, but we're getting very little response from landlords to collect the money we need to replace the community box. In walking through the neighborhood there are about 3 other boxes where the bases/doors are rusting. It would be nice to have a better process in place, unfortunately HOA is not in place anymore. We have collected \$1,200 of the \$3,000 we need to replace those mailboxes.
- Dan Amadeo – Noted there has never been an HOA in Cypress Cove. There was a CCNR but never an HOA. Relative to the mailboxes, go talk to Philip at the Post Office, that's their job. We shouldn't have to pay for that if they need to be replaced. Relative to trees, not sure the trees need to be removed but they need to be topped and pruned out. At some point in time they need to be removed. What if we choose to plant something that was not part of that original landscaping plan? The city has done good work in junction with New Image in cleaning up the Beach Road side and some of the Cardoza side but what about the Abdy Road side? Thursday Davey's Tree service who contracts with PG&E clean cut trees off the power lines. The trees on Abdy needs some topping and some thinning out. We have a serious issue on Abdy and encourage staff to come and look at that along with the cul-de-sac where the perc pond is.
- Mike Owen – To remove those trees and replant something else it's going to be costly than doing some trimming. If you top a cypress it turns into a big bush which sort of defeats the purpose. Trying to have the details of the work somehow transparent on a website or provided so the public might be able to see exactly what the work involved is... on the packet provided by staff you have a map and general description and break down of cost, but you really don't have the details that people are asking about. It's frustrating not to be able to access. What in the next year's budget is allotted for trimming these trees on Abdy?
- Pat Clark-Gray – Would like better communication with the residents. In regard to the recent tree trimming, contacted Edrie about it when the tree was being taken down and was told that he contacted Rich Youngblood and two other people. To me that was not communicating to everybody. Request that he let all of the residents of an area know what's going on. Noted that we did have an HOA that was formed by late husband Ken Gray. It was going for a number of years but when he got involved in the city council he no longer had time for it and no one wanted to take over. I have all the files that show that we did have a nonprofit HOA. As far as the mailboxes, Tom contacted the Post Master and was told that it was our responsibility not the Post Offices. We try to get our neighbors together and raise funds to get the mailboxes replaced. It's important to get the public involved and we're willing to help get that communication to our neighbors.

**DELGADO/URRUTIA: THAT WE AUTHORIZE STAFF TO MOVE SEVEN THOUSAND (\$7,000) CURRENTLY PLACED IN 2020/2021 FISCAL YEAR TO THE UPCOMING FISCAL 2019/2020 YEAR AND FOR THAT TO BE PLACED IN EXTRAORDINARY MAINTENANCE AND LARGE TREE TRIMMING; AND ADOPT RESOLUTION NO. 2019-45, CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING LEVY OF \$180.78 FOR FY 2019-20 ASSESSMENT FOR CYPRESS COVE II LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, AND; AUTHORIZING CITY CLERK TO FILE CERTIFIED COPY OF DIAGRAM AND ASSESSMENT WITH THE MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO THURSDAY, AUGUST 1, 2019. 5-0-0-0 Motion Passes**

- b. City Council open public hearing, take any testimony from the public and consider adopting **Resolution No. 2019-46**, confirming diagram, assessment and ordering levy of \$182.42 for FY 2019-20 assessment for Seabreeze Landscape Maintenance Assessment District, and; authorizing City Clerk to file certified copy of diagram and assessment with the Monterey County Auditor-Controller prior To Friday, August 1, 2019.

Council Questions: Just to confirm, we're talking about lots 018-021, parallel to Del Monte Blvd.? if all went as we hoped would a set-back of 6-feet be allowed or would that encroach in some other property owner such as TAMC or City property? What is your suggestion on how to handle the wall issue? What's the ballpark cost of the bids you've seen so far? Are there options? Have you considered alternatives to masonry walls replacement? What is the best out of tonight that you would like from us Council on this issue? Do you know if the TAMC property abuts up to that wall that's parallel to the railroad tracks? If we only have \$2,100 and if it a \$100,000 problem isn't the real issue whether the assessment of \$182.42 per year per parcel needs to be increased and that process requires a vote for some things to happen? When would we be initiating the increase vote? Is it prudent for us while we're not able to address the wall should some of these funds be put into large tree trimming or tree removal if really that is causation?

Public Comments:

- Curtis – In speaking with Edrie, the sound-wall was an interlocking case that the lifespan of that is 20-23 years. The whole development is encased with that and they are starting to fail. You're going to have a decision to make about what you're going to do with these walls for the whole development. Right now, the whole back wall that we're talking about has been compromised. The development that was put in had trees that bordered right against that wall has now compromised the wall. There are cracks in the wall and now that wall is disintegrating. We need to figure what we're going to do with it. Working with other residents to figure out how we can help the city with funding. We need to remove the trees along the wall.

**MORTON/URRUTIA: THAT ADOPT RESOLUTION NO. 2019-46, CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING LEVY OF \$182.42 FOR FY 2019-20 ASSESSMENT FOR SEABREEZE LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, AND; AUTHORIZING CITY CLERK TO FILE CERTIFIED COPY OF DIAGRAM AND ASSESSMENT WITH THE MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO FRIDAY, AUGUST 1, 2019 WITH THE AMENDMENT TO THE ESTIMATED BUDGET OF INCREASING THE ADMINISTRATIVE COSTS FROM ONE THOUSAND (\$1,000) TO TWO THOUSAND (\$2,000) FOR THIS YEAR AND WITH THE CLERICAL CORRECTION THAT IN THE FISCAL YEAR 2018-2019 THE SUM OF TWO THOUSAND TWO HUNDRED THIRTY (\$2,230) IS EXPENDED FOR LARGE TREE TRIMMING AND NOT EXTRAORDINARY MAINTENANCE. 5-0-0-0 MOTION PASSES**

- c. City Council open public hearing, take any testimony from the public and consider adopting **Resolution No. 2019-47**, confirming diagram, assessment and ordering levy of \$77.14 for FY 2019-20 Assessment for Monterey Bay Estates Lighting & Landscape Maintenance Assessment District, and; authorizing City Clerk to file certified copy of diagram and assessment with the Monterey County Auditor-Controller prior To Friday, August 1, 2019.

Mayor Por-Tem Morton recused herself from this item.

Council Questions: For FY 2019/2020, with the shift of \$1,500 are we talking about total expenditures now being \$14,711? And the \$2,000 in FY 2020/21 is deleted the \$2,000 completely, correct? If we wanted to start the replacement of non-trees or plants, we would need the ok from the homeowners? Is it individual homeowners who determine what's best for the neighborhoods edges? Do you have any idea if the contractor will do north to south or south to north on Crescent avenue? How do they determine where to do their work as far as removing dead shrubs? Does our contract require the contractor to remove dog excrement or litter? Is there a reason why we don't have garbage cans placed throughout the city in different locations? How many dead bushes are we talking about?

Public Comments:

- Katherine Trabble – She worked very hard to earn money for her family and supports paying a reasonable fund for services rendered. However, lately no services have been done. I have bushes in front of my house that have not been tended to for years. I was feeling stubborn telling my husband not to do anything about it. I made calls to the city. He either went out and trimmed them himself or we've have hired someone to trim them. I was told that in previous years that these funds do not cover the cost of replacing plants. Removal of dead plants, will they be replaced? I will start keeping track of when my bushes are trimmed. As I said it's been three years with nothing. I don't have any problem with paying for services, but I do have a problem with paying and nothing is being done.
- Judy – Been paying, don't have an issue paying the fees as long as maintenance is done. In the past 12-years I saw the maintenance people out there and it took me half a block when I saw them arrive and depart never to return. Many dead plants. Dog droppings and liquor bottles that you will see there for months. Look at getting someone else to do it or give the property to the property owners that are adjacent to this to maintain.
- Mike Owen – Thought it was great that the city as going to add to the city website more information about the Assessment Districts for the people in the Assessment Districts. Supports the changes proposed. I did try to email 20-30 people in Monterey Bay Estates. I got a few responses back supporting my emphasis on removing the dead bushes. All the residents on Crescent had no objections to removing the dead bushes and most of them supported it. That was two years ago. It would be good for staff to let the residents know when New Image is to come out there so they could have some sort of feeling that yes, the services are being done and if they have any feed back they could email staff. I hope the contractor is informed to let the existing Indian Hawthorn bushes to continue to grow except when they encroach the sidewalk. Would like to see it in writing, wherever that occurs in their contract.
- Margarita – 30-years ago I had a beautiful landscape but not anymore. The bushes died many, many years ago and they are still there. Wondered will they be replaced with new plants?

**Delgado/Urrutia: to adopt Resolution No. 2019-47, confirming diagram, assessment and ordering levy of \$77.14 for FY 2019-20 Assessment for Monterey Bay Estates Lighting & Landscape Maintenance Assessment District, and; authorizing City Clerk to file certified copy of diagram and assessment with the Monterey County Auditor-Controller prior To Friday, August 1, 2019;**

**and that we include the changes of deleting the two thousand dollars (\$2,000) in the line item of extraordinary maintenance for the year 2020/2021 and that we increase from two thousand to thirty-five hundred the 2019/2020 line item for tree and bush removal and replacements.**

### Substitute Motion

O'Connell/Urrutia: the motion made by the Mayor I agree with except to reduce the \$77.14 assessment to \$50.00 and all the conditions set forth in the previous motion by the Mayor would be consistent with the substitute motion. 1-3(Berkley, Urrutia, Delgado)-0 Substitute Motion Fails

### Public Comment on Substitute Motion

- Mike Owen – appreciates Frank's concern. This happened some years back where it was reduced then it was quite a struggle to bring it back up to \$77.14, which is the lowest assessment of all the Assessment Districts. I strongly want it to stay at \$77.14 and if there's extra money it would go to the projects that we've talked about that are not budgeted under this thing. That could include plant replacement, water that would be needed and include pruning of trees.
- Katherine – Agrees with Mayor. Would rather pay the \$77.14 and increase the number of visits that we could do to make the area look well. Make it look nice. 1-day a month could take a year to remove the dead bushes so maybe we could increase that once a month. If we lower it for 1-year the next year we're going to have a room full of people upset that we're going to increase it again. Would rather keep the money where it is and use it to better the neighborhood.

Mayor Delgado – given this discussion we can modify the motion on the floor to include using more money to do a better job.

Edrie – I would suggest increasing the \$3,500 if we're going to be entertaining plant & bush replacement.

Mayor Delgado – would you increase the \$3,500 to \$7,000?

### Modified Motion

Mayor Delgado – my modified motion will be: \$1,500 in the utility's column for 2019-20 instead of \$500; \$2,000 in extraordinary maintenance for irrigation if necessary instead of zero; for 2019-20; and to increase from \$3,500 to \$7,000 in the bush and tree removal and replacement

**DELGADO/URRUTIA: TO ADOPT RESOLUTION NO. 2019-47, CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING LEVY OF \$77.14 FOR FY 2019-20 ASSESSMENT FOR MONTEREY BAY ESTATES LIGHTING & LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, AND; AUTHORIZING CITY CLERK TO FILE CERTIFIED COPY OF DIAGRAM AND ASSESSMENT WITH THE MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO FRIDAY, AUGUST 1, 2019; AND THAT WE INCLUDE THE CHANGES \$1,500 IN THE UTILITY'S COLUMN FOR 2019-20 INSTEAD OF \$500; \$2,000 IN EXTRAORDINARY MAINTENANCE FOR IRRIGATION IF NECESSARY INSTEAD OF ZERO; FOR 2019-20; AND TO INCREASE FROM \$3,500 TO \$7,000 IN THE BUSH AND TREE REMOVAL AND REPLACEMENT.** 3-1(O'Connell) Motion Passes

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 receiving a very preliminary report on the projected General Fund budget for Fiscal Years 19/20 and 20/21; and, provide direction as appropriate to staff in preparing the draft two-year budget.

Presented by Eric Frost, Finance Director

Council Questions: At what point after our retreat we asked for priorities be listed out in relationship to the budget, when will we receive that? Pg. 3 “*current Measure X Memorandum of Agreement requirements may cause city to rethink how much money we put into your roads*” can you explain that? what would be a mechanism to make sure that we’re not setting ourselves up for catastrophic failure? Does TAMC have the ability to fix any issues with their Measure? Does it have to go back to the voters? Anticipated Revenues – how do we make sure that, is it prudent a better financial practice to make sure that whatever we’re able to anticipate spending in 2020/21 is that we’re living within those means in 2019/20? If we’re guessing on what the reduction is should there be a greater build-in of your rainy-day fund? Associate Engineer – if we hired an associate engineer would we be relieving ourselves of contract services for what we’re using now as outside engineering services? What would the half-time planner do? Do the benefits being added to the Association Planner equal the \$90,000 net on page 5? Pg.6 lists 51 items of Council priorities – is it true that the Preston Park \$35 million payoff, the Imjin Bridge however many millions that might cost and the price tag of the City’s responsibility of FORTAG is there a plan for those that we’re going to hear about if its affordable at a future date?

Possible Directions: line item in budget for consulting services related establishing an ordinance to Rent Stabilization; more monies in park maintenance; Labor Day Parade funding, CalPERS increase, Preston/Abrams Park budgets, 51 priority items listed in budget.

Public Comments: None received.

- ~~b. City Council consider receiving an update on the status of an agreement with LimeBike, Inc to allow shared mobility devices to be parked in the City’s rights-of-way and to provide staff with further direction. **Item not discussed, continued to May 21, 2019**~~
- c. City Council consider adopting **Resolution No. 2019-48**, accepting the construction contract documents and authorizing staff to proceed with the public bidding process for the 2019 designated Airport Capital Improvement Project (ACIP) Extend Taxiway B East to Threshold of Runway 29 - Construction, and; authorizing application for and acceptance of a revised Federal Aviation Administration (FAA) grant based on bids received, and; authorizing application for and acceptance of a State of California (Caltrans) match grant, and; authorizing the City Manager to execute referenced applications and grants. **Pulled by Council Member O’Connell, was agenda item 8f(2)**

Council Questions: Have we received any type of ruling from FAA relating to compliance with federal laws and regulations with the ordinance sitting there with the marijuana? Who did you get the verbal

response from? Did FAA refer you to any written law or regulations or say they put something to you in writing later? Was a confirming email sent back to FAA to confirm their direction that the city will not do X and that we are still eligible for grants?

**MORTON/BERKLEY: TO ADOPT RESOLUTION NO. 2019-48, ACCEPTING THE CONSTRUCTION CONTRACT DOCUMENTS AND AUTHORIZING STAFF TO PROCEED WITH THE PUBLIC BIDDING PROCESS FOR THE 2019 DESIGNATED AIRPORT CAPITAL IMPROVEMENT PROJECT (ACIP) EXTEND TAXIWAY B EAST TO THRESHOLD OF RUNWAY 29 - CONSTRUCTION, AND; AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A REVISED FEDERAL AVIATION ADMINISTRATION (FAA) GRANT BASED ON BIDS RECEIVED, AND; AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A STATE OF CALIFORNIA (CALTRANS) MATCH GRANT, AND; AUTHORIZING THE CITY MANAGER TO EXECUTE REFERENCED APPLICATIONS AND GRANTS. 5-0-0-0 Motion Passes**

Public Comments: None received.

- d. City Council consider adopting **Resolution No. 2019-49**, approving authorizing the City Manager to execute a revised contract with HdL Companies not to exceed \$49,500 to provide cannabis program subject matter expertise, to develop and manage the process to select permitted cannabis businesses, to provide inspection compliance services and to conduct a cost recovery study for the creation of application fees consistent with the voter approved Cannabis Ordinance, subject to final review and approval by the City Attorney. *Pulled by Council Member O’Connell, was agenda item 8g(1)*

Council Questions: is this standard language in the agreement? Is Counsel ok with the change in language? Was the February 5<sup>th</sup> approval by the city council ever executed by HdL? Pg. 10, paragraph b (2), they’re basically not agreeing to indemnify us for the actions stated in this paragraph? City being “additionally insured”? Is there anything in any document the business is going to require that it’s going to have to show us insurance coverage in which we are insured? Do we know how other cities and counties have dealt with this? If we rely on an expert (HdL) and they say one company has 1000 points, this company has 900 points and this company has 950 point and as a council we vote to take the company that got 1000 points, and something happened why wouldn’t they be liable? Why is it if it’s only negligence? Is this contract something that perhaps looking at it for two-weeks and bringing it back might get bettered honed to make sure we have the maximum protections to address what Council Member O’Connell has raised and this issue of negligence?

**URRUTIA/BERKLEY: TO ADOPT RESOLUTION NO. 2019-49, APPROVING AUTHORIZING THE CITY MANAGER TO EXECUTE A REVISED CONTRACT WITH HDL COMPANIES NOT TO EXCEED \$49,500 TO PROVIDE CANNABIS PROGRAM SUBJECT MATTER EXPERTISE, TO DEVELOP AND MANAGE THE PROCESS TO SELECT PERMITTED CANNABIS BUSINESSES, TO PROVIDE INSPECTION COMPLIANCE SERVICES AND TO CONDUCT A COST RECOVERY STUDY FOR THE CREATION OF APPLICATION FEES CONSISTENT WITH THE VOTER APPROVED CANNABIS ORDINANCE, SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY. 4-1(O’Connell)-0-0 Motion Passes**

10:00PM

Delgado/Urrutia: to continue meeting until 10:10 PM 5-0-0-0 Motion Passes

Public Comments:

- Tony – On page 20 of the ordinance has detailed scoring that the city has to depend on so, which one at the end it going to take off? Are you going to use HdL scoring or the scoring in the ordinance?

10:10PM

Delgado/Urrutia: to extend to 10:15 PM 5-0-0-0 Motion Passes

- e. City Council consider adopting **Resolution No. 2019-50**, approving budget amendments to the Fire Department budget in the amount of \$277,000 to reflect state of California Wildland Fire Response Reimbursements for Fiscal Year 2018/19. *Pulled by Mayor Pro-Tem Morton, was agenda item 8k(1)*

Council Questions: Does the mutual aid impact our fire staffing for internal needs? Does overtime include CalPERS calculations? PERS obligation would only be applicable to some add-on that was within the city's budget/discretion?

**MORTON/URRUTIA: TO ADOPT RESOLUTION NO. 2019-50, APPROVING BUDGET AMENDMENTS TO THE FIRE DEPARTMENT BUDGET IN THE AMOUNT OF \$277,000 TO REFLECT STATE OF CALIFORNIA WILDLAND FIRE RESPONSE REIMBURSEMENTS FOR FISCAL YEAR 2018/19. 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.

13. ADJOURNMENT: The meeting adjourned at 10:15 pm to continue Closed Session.

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Anita Sharp, Deputy City Clerk

ATTEST:

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Bruce C. Delgado, Mayor