



MINUTES

Tuesday, June 18, 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)

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, one case of existing litigation pursuant to paragraph (1) of subdivision (d) of CA Govt. Code Section 54956.9: (1) 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 – two potential cases.
 - c. Conference with Legal Counsel - anticipated litigation – significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9 – one potential case.
 - d. Labor Negotiations
 - i. Marina Employee Association
 - ii. Marina Professional Fire Fighters Association
 - iii. Marina Public Safety Managers Association
 - iv. Marina Middle Manager Association
 - v. Directors
 - i. Community Development Director
 - ii. Finance Director
 - iii. Fire Chief

- iv. Police Chief
- v. Public Works Director
- vi. Recreation & Cultural Services Director
- vii. Assistant City Manager

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

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

Robert Wellington, City Attorney reported out Closed Session: Council met at 5:30 as indicated on the agenda with regard to the items listed. Council was only able to get through item 3a, one case having to do with existing litigation and with regard to 3b, one of the two potential cases. The other matters will have to be taken up at a subsequent time. With regard to those matters the Council did take up the Council received information from its legal advisors and discussed the matters and no reportable action was taken.

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

5. SPECIAL PRESENTATIONS:

a. Proclamations

i. LGBTQ Pride Month

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.*

- Elizabeth Billingsley – Thanked everybody who was involved in putting up the flags on Flag Day. Understands that new flags are on their way. Announced that the Friends of the Marina Library bought the light and flag for the Library and this Saturday we will be hoisting the flag. One of the High School girls will be singing the National Anthem and still looking for Boy Scouts or Eagle Scouts to hoist the flag. Provided Council and staff with the Flag Etiquette Template for properly posting our flags. Flags are post five times a year (Presidents Day, Memorial Day, Flag Day, Independence Day and Veterans Day).
- Barry Covington – Flower Circle resident. Wanted Council to know that Flower Circle is in desperate need of repairs and should not have to wait 5-20 years for these repairs. Submitted to Council a signed petition by residents of Flower Circle requesting something be done to repair the street. Noted one resident refused to sign petition because his was fed up with our city government.
- Janna Faulk – Asked Council to consider adopting an ordinance to protect our environment and our community. Advocate that Council consider adding environmental protection to next year's agenda. Recent studies show that the levels in the Monterey Bay Sanctuary of plastic

pollution are similar to those found in the Great Garbage Patch, which is made up of trillions of tiny particles of debris floating near or several thousand feet below surface. These particles are being consumed by small animals and larger animals including us. Urges Council to adopt an ordinance on Single-Use Plastics ban.

- Noel Freitas – CSUMB Alumni, agrees with previous speaker on the need for Marina to adopt an ordinance on Single-Use Plastic ban.
- Adam Schreiber – Interning with United Way and here to speak about Impact Monterey County, which is a collaborative network of businesses and nonprofits throughout Monterey County who are working together to coordinate and address the needs of the County. We are currently conducting a county-wide community assessment and perspectives. First will be getting people to do a survey; Second, we are asking people to participate in community conversations; and Third we’re asking people to participate in key informant interviews. Website: www.impactmontereycounty.com.
- Mayor Delgado – On July 13 is Free Movie night at the Marina Library hosted by Friends of the Marina Library, movie will be They Shall not Grow Old. Announced that every Wednesday is an evening gardening session at the Library from 5:30-7:30pm; on June 29th from 10:00am-Noon is the monthly community volunteer roadside clean-up at Lapis Road and Del Monte Blvd.
- Mayor Pro-Tem Morton – MST Bus discounted passes for \$38.00 for youths 18yrs and under for the summer.
- Council Member O’Connell – MST also has free passes for youths under 18 to get them from their homes to places of employment while they’re in High School.

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 92492-92621, totaling \$315,401.90

b. MINUTES:

- (1) ~~May 28, 2019, Special City Council Meeting~~ – *Pulled*
- (2) May 30, 2019, Special Joint Council/Planning Commission Meeting
- (3) June 4, 2019, Regular City Council Meeting
- (4) June 13, 2019, Special 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. 2019-63**, calling for Full and Fair Funding of California’s Public Schools (Not a Project Under CEQA Article 20, Section 15378 and Under General Rule Article 5, Section 15061).
- g. APPROVAL OF AGREEMENTS
- h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None
- i. MAPS: None
- j. REPORTS: (RECEIVE AND FILE):
 - (1) HEAP Support Funding Update
 - (2) MST Update
- k. FUNDING & BUDGET MATTERS: None
- l. APPROVE ORDINANCES (WAIVE SECOND READING): None
- m. APPROVE APPOINTMENTS: None

Mayor Pro-Tem Morton requested to pull agenda item 8b(1) and bring back at next meeting; had question for agenda item 8f(1) – What is the source of the funds?

MORTON/DELGADO: TO APPROVE THE CONSENT AGENDA MINUS 8b(1). 4-0-1(Berkley)-0 Motion Passes

- 9. PUBLIC HEARINGS:
 - (a) City Council open a public hearing, take testimony from public and consider adopting Ordinance No. 2019- amending the City of Marina Zoning Map (ZM 2019-01) rezoning the property at 3320 Abdy Way (APN: 033-311-009) from General Commercial (C-2) to Single-Family Residential (R-1) to align with the General Plan land use designation of Single-Family Residential.

Council Questions: is this a new purchase by the Bruno’s or have they owned it for quite a while? Have the neighbors received any notice relating to this request? What’s the area covered? Any oppositions? Has staff discussed the possibility of R-1 residents complaining about noise if next to a C-1 and C-2 area? So, is the C-1 south the American Legion property? If we out more homes around the American Legion property are we going to have more noise complaints? Did the notice that went out describe the changes to be made? Is this new R-1 going to be subdivided? How did you come to the conclusion that this is not “spot zoning”? Who are the owners of C-1 and C-2? Do the Bruno’s own any of those?

Public Comments: None received

URRUTIA/O’CONNELL: TO APPROVE ADOPTING ORDINANCE NO. 2019-, AMENDING THE CITY OF MARINA ZONING MAP (ZM 2019-01) REZONING THE PROPERTY AT 3320 ABDY WAY (APN: 033-311-009) FROM GENERAL COMMERCIAL (C-2) TO SINGLE-FAMILY RESIDENTIAL (R-1) TO ALIGN WITH THE GENERAL PLAN LAND USE DESIGNATION OF SINGLE-FAMILY RESIDENTIAL. 4-0-1(Berkley)-0 Motion Passes by Roll Call Vote.

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

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

- a. City Council, Successor Agency to Marina Redevelopment Agency Board, Abrams B NPC Board, Preston Park Sustainable Community NPC Board, and Airport Commission: Consider adopting **Resolution No. 2019-64, 2019-01 (S/A MRA), 2019-01 (NPC), 2019-01 (PPSC-NPC) and 2019-01 (MAC)**, adopting Fiscal Year 2019-20 and 2020-21 Budgets, establishing procedures for amending budget, and authorizing the Finance Director to make necessary accounting and budgetary entries.

Layne Long, City Manager provide an introduction to this item and Eric Frost, Finance Director summarized the staff report and presentation.

Public Comments:

- Barry Covington – Lives on Flower Circle, noted the road is in really bad shape. Kids can't play or ride bikes without getting hurt due to the ruts and holes. Property values are diminishing due to poor road and asked council to allocate the monies need to repair the road and move it ahead of other road improvements.
- Brian – Notice there is a line item in the budget for traffic calming measures and as we move forward asked what is the impact of not taking any actions? Loves the traffic circles on Reservation between Beach & Del Monte, however that stretch of road has cost the city a lot of money. There are at least three light poles that have been knocked down and the city has not been able to recover any money from those who knocked them down. Loves the idea of funding a code enforcement officer.
- Grace Silva-Santella – Believes \$25,000 for Median Demo Project is a waste of funds; Reservation Downtown Plan needs help; Walked Vince DiMaggio Park this weekend and thrilled that city is spending \$75,000 for an additional public works employee to work the four parks but that is not going to get you anywhere near what you need for central Marina. Our parks lawns are lacking weeding and mowing. The Library trash cans are always overflowing on the weekends. Asked that council not pursue the Arts Village after reading through the feasibility study. Hopes Council will give public work more money to maintain our parks.
- Kathy Biala – Need a plan for the Civic Center it's been 9-years since the vision was spelled out and nothing has been done. We need to see ourselves from the public's eyes. Everything is outdated. Please begin to dedicate some portion of funding to start this very long process of planning for a new City Hall complex. Asked if we have enough in legal fees for issues like water? Are accounting for that because it's going to be considerable.
- Carol Lauderdale – Send a letter to council regarding items for safer streets. Lives on Messinger Drive and notice an increase in speeding through the neighborhood. Wondered where in the budget fund could be found for traffic calming measures, if it not how will the city handle the ongoing increasing challenge? Neighbors are concerned about what's happening on Messinger and the 5

cul-de-sacs that shoot off of Messinger. Letter to council states what type of signs could be placed and where they could be placed.

Council Questions: How much of a financial burden is it to the city to somewhat modify the existing plan to take care of Flower Circle? We're still in a quandary as to the ramifications of diverting \$1.6 million from our General Fund to Road Maintenance Program under the Measure X language correct? If approved to as part of our budget should that be conditioned upon the conflict created under Measure X being resolved favorably to Marina so that we're not spending money that's adverse? If we budget \$1.6 million how long are we going to wait for TAMC to resolve this as opposed to not doing this until next year and we use some of that money for other items? Where's the trigger of when that becomes silly just to have it sit there? So, the actual act of budgeting \$1.6 million should this become a detrimental resolution at TAMC's level does not set us up for failure as long as we're not spending it? Why are we using \$23 million in revenues versus \$26 million in revenues to determine the 20% emergency set-a-side funds? One-time revenues, capital vehicles – are those considered to be nonrecurring transfers? How can you determine this to be a balanced budget if the expenditure exceed the revenues when the Balanced Budget Resolution says you are to disregard the nonrecurring transfers? Vehicle Equipment Transfers for 2019-20 you have \$812,000 and then go over to capital Debt & Services for the same year you have 507,000 why the difference? Is the \$305,000 difference a depreciation or is that an actual cash? Pension Stabilization Fund - \$650,000 being transferred in and \$650,000 fund cash balance being change, where does the \$650,000 come from? What number is being reduced by taking the \$650,000 from it? Fund 555, Enterprise Funds – what is the justification for cash balance increase of \$1,106,150 of the previous draft budget versus the \$1,235,150 same question, why the change from the previous draft budget? Rent Stabilization – Do we have a timeline from Council Member Berkley on her report on this subject? Any parameters that she'll be looking at or any content that she's expecting to cover? Single-Use Plastic Use Ban? If we do a mid-year budget an find out that revenues are higher than expected or expenses are lower than expected at that point, we can talk about which of these “in the wings” project that we might want to expend the money? What is the plan for the \$25,000 Median Demo Project? What is the budget for FORTAG in this 2-year budget? Caretaker Project – do we have caretaker projects in this budget for 2019-20 that we can secure money from FORA? Park Maintenance - are lawns and pathways and overflowing trash bins included in the park maintenance? Council Work Plan/Work Indicators – is your level in your budget and your level of staffing sufficient to meet these goals in you council workplan items? Are we accomplishing work on the Del Monte extension and Imjin Parkway in this work load? Recreation & Cultural Service Work Plan – are you adequately staffed in this budget to meet these goals? Federal Grants listed on Page 20 - \$43,000 has we received this grant? Are we likely to receive that grant? Airport – why is there a \$50,000 increase in the pavement maintenance for 2019-20 and a \$35,000 increase for 2020-21 in pavement maintenance in the handout versus the booklet? Fund 480 Fuel Tank Replacement – is there a need in your opinion to replace the fuel tank at this time or can it be put off? Is this a sufficient amount of funds to address the concerns that exists to this fuel tank? Airport Operating Funds, Expenditures Salaries and Benefits – Why is there a decrease in salaries and benefits for 2019-20? Why is only 50% of the Airport Services Manager's time charged to the Airport fund? What steps have been done to address the hiring of help for the Airport Services Manager? Page 10 – Abrams B Bond Payment – would it be prudent that we look at the allocation of paying on those debts and address that at this meeting versus November 12th? When we acquired Preston Park we were required to expend money to purchase the other half from FORA, when we financed that loan council set a policy that we wee going to expend \$1.75 million of the excess rents on GF money and that the balance of that would go to fund the loan and be stored in a bank account earmarked for the loan to either paydown the principle to fully amortize the loan or do something at that point in time, correct? If we reduce and hold this budget to the policies set by council of a cap of \$1.75 million are we still able to be within our balanced budget?

9:59 PM

O’Connell/Morton: to continue to 10:05 PM 4-0-1(Berkley)-0

Morton/ : to adopt the budget and direct staff to take no actions beyond what’s mandatory until our meeting on July 2, 2019; and that we do not expend more the \$1.75 million dollars out of the Preston Park budget. Motion dies for a lack of Second - Withdrawn

O’CONNELL/URRUTIA: ADOPT THE BUDGET SUBJECT TO THE REALIZATION THAT WE ONLY MAKE THOSE DECISIONS THAT ARE MANDATORY TO KEEP THE LIGHTS ON AND KEEP THE CITY FUNCTIONING AND NO DISCRETIONARY SPENDING SHALL TAKE PLACE UNTIL WE ADDRESS THIS ON JULY 2, 2019. 4-0-1(Berkley)-0
Motion Passes

- b. City Council consider adopting **Resolution No. 2019-65**, establishing appropriations limit for FY 2019-20.

MORTON/DELGADO: TO ADOPTING RESOLUTION NO. 2019-65, ESTABLISHING APPROPRIATIONS LIMIT FOR FY 2019-20. 4-0-1(Berkley)-0 Motion Passes

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 City Council adjourned the meeting back into Closed Session at 10:05 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor