



MINUTES

Tuesday, August 20, 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, SUCCESSOR AGENCY OF THE FORMER
MARINA REDEVELOPMENT AGENCY AND MARINA GROUNDWATER
SUSTAINABILITY 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, 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 – significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9 – two potential cases.
 - c. 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

d. Real Property Negotiations

- i. Property: Marina Municipal Airport – South Tarmac
Negotiating Party: Joby Aero, Inc.
Property Negotiator: City Manager
Terms: Price and Terms

- e. Conference with Legal Counsel, anticipated litigation – initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 – one potential case.

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

Robert Rathie, Assistant City Attorney reported out Closed Session: Council met in Closed Session on items listed under 3a and one of the items listed under 3b, conference with legal counsel. Information was provided, direction received and there was no reportable action taken and the Council is reserving the right to return to Closed Session after the Open Session this evening to deal with the other matters on the agenda.

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

5. **SPECIAL PRESENTATIONS:**

a **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.*

- Tina Nieto, Police Chief – Announced that it is Walmart Hydration Month and Walmart donated a pallet of water and several iceboxes/coolers for Public Safety. Walmart also donated a check in the amount of \$5,000 to the Police Department. Thank you, Walmart for providing this to our community.
- Brian McMinn, Public Works Director – Informed the Council that the City has applied for funding for the Cal-Recycle Program to contract with the Eco-Hero Show to provide outreach to the elementary and middle schools here in Marina and the first outreach show will be at Crumpton Elementary next Tuesday morning. The students will be learning how to reduce, reuse and recycle and apply that in their lives.

- Mike Owen – Announced that on October 5th Epiphany Lutheran Church is hosting the Festival of Sound on the new pipe organ dedicated to Candy Myers-Owen. Indicated that he will be sending out the official flyer via email and hopes it makes it onto the Council's calendars. Also, announced that on October 19th will be the Honor the Fallen Run.
- Mayor Delgado – On August 25th the Epiphany Church will hold a commemoration of the Ringing of the National Bell at noon. Thanked all the volunteers that turned out for the last Lapis Road/Del Monte Blvd Clean Up. On September 14th at 10:00am is the next Lapis Road/Del Monte Blvd Clean Up. Thanks to the National night Out organizers it was a great event.

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 93058-93175, totaling \$259,316.59
Voided Checks: 93088-93106
Wire transfers from Checking and Payroll for June 2019 totaling: \$554,844.62

b. MINUTES:

- (1) August 7, 2019, Regular City Council Meeting

c. CLAIMS AGAINST THE CITY: None

d. AWARD OF BID:

- (1) ~~City Council consider adopting Resolution No. 2019 , awarding the 2019 Citywide Street Repair Project to Monterey Peninsula Engineering Company of Marina, California for the amount of \$1,473,687.50 and; authorizing City Manager to execute contract documents and all change orders on behalf of City subject to final review and approval by the City Attorney, and; authorizing Finance Director to make necessary accounting and budgetary entries. **Pulled by Mayor Pro-Tem Morton, Becomes agenda item 11a**~~

e. CALL FOR BIDS: None

f. ADOPTION OF RESOLUTIONS:

- (1) City Council consider adopting **Resolution No. 2019-84**, authorizing the Mayor to sign a letter on behalf of the City Council supporting S.2012 – Restoring Local Control Over Public Infrastructure Act of 2019 and H.R.530 - Accelerating Broadband Development by Empowering Local Communities Act of 2019 (Not a Project Under CEQA Article 20, Section 15378 and Under General Rule Article 5, Section 15061).

g. APPROVAL OF AGREEMENTS

- (1) City Council consider adopting **Resolution No. 2019-85**, approving a Public Improvement Agreement for the Junsay Oaks Project between the City of Marina and Community Housing Improvement Systems and Planning Association, Inc. (CHISPA), and; authorizing City Manager to execute the public improvement agreement on behalf of the City subject to final review and approval by the City Attorney.
- (2) City Council consider adopting **Resolution No. 2019-86**, accepting the offer of dedication of right-of-way from Community Housing Improvement Systems and Planning Association, Inc. (CHISPA), and; designate city property as Right of Way of De Forest Road, and; authorize the City Clerk to record the dedication with the Monterey County Recorder's office.
- (3) ~~City Council consider adopting Resolution No. 2019 , approving a coordination agreement between the Marina Groundwater Sustainability Agency (MGSA) and the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) for the preparation of Groundwater Sustainability Plans (GSPs) in accordance with the Sustainable Groundwater Management Act (SGMA), and; authorizing the City Manager to execute the Agreement on behalf of the City subject to final review and approval by the City Attorney.~~ ***Pulled by public, becomes agenda item 11b***
- (4) ~~City Council consider adopting Resolution No. 2019 , approving grant agreement between City of Marina and Federal Aviation Administration (FAA) for the Airport Improvement Program (AIP) 2019 designated project – Extend Taxiway B east to threshold of Runway 29 – Construction in the amount of \$2,338,843, and; authorizing application for and acceptance of a State match grant in the amount of \$116,942, and; awarding construction contract to Granite Rock Company, of Watsonville, California, in amount of \$2,278,915, and; approving professional services agreement between City of Marina and Tartaglia Engineering, of Atascadero, California, in amount of \$289,300 for construction management, inspection, surveying, and construction materials testing services, and; increasing appropriations in FY 2018-19 Budget, Airport Capital Projects Fund 460 in the amount of \$838,715, and; increasing appropriations in FY 2018-19 Airport Operations Fund 555 in the amount of \$46,130, and; authorizing Finance Director to make necessary accounting and budgetary entries as necessary, and; authorizing City Manager to execute grant application and grant agreement documents, contract documents, and professional services agreement documents on behalf of the City, subject to final review and approval by City Attorney.~~ ***Pulled by Mayor Pro-Tem Morton, becomes agenda item 11c***

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

(1) Monterey Peninsula College Partners with MST to Offer Free Ride to Students

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING):

m. APPROVE APPOINTMENTS: None

Cody Phillips, Lombardo & Associates requested to pull agenda item 8g(3)

Mayor Pro-Tem Morton requested to pull agenda items 8d(1) and 8g(4)

DELGADO/URRUTIA: TO APPROVE THE CONSENT AGENDA MINUS 8d(1), 8g(3) AND 8g(4). 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. 2019-87**, awarding the 2019 Citywide Street Repair Project to Monterey Peninsula Engineering Company of Marina, California for the amount of \$1,473,687.50 and; authorizing City Manager to execute contract documents and all change orders on behalf of City subject to final review and approval by the City Attorney, and; authorizing Finance Director to make necessary accounting and budgetary entries. ***Pulled by Mayor Pro-Tem Morton, was agenda item 8d(1)***

Mayor Pro-Tem Morton – Pg. 2 states that city staff advertised the project at \$1.2 million and total cost of the project is \$1.797 million. What the modification to the long-term plan and how does that impact staying on target to keep our roads at 70%? Is it appropriate to go forward with this contract without looking at potential modifications, so that we make sure we're getting the roads that we want to do over the next five years? Are you recommending that we expend the monies for this even though it's over the budgeted amount for this particular year and that you in November would come back as a review at as to what if any changes we need to look at in adjusting the budgeted amounts for the balance of this year and in future years?

Council Questions: Does it have a dollar for dollar impact that is \$324,000 of planned work that can't happen somewhere else because of this need? What does the leftover/carry over already planned to be part of this year's expenses?

MORTON/URRUTIA: TO APPROVE RESOLUTION NO. 2019-87, AWARDING THE 2019 CITYWIDE STREET REPAIR PROJECT TO MONTEREY PENINSULA ENGINEERING COMPANY OF MARINA, CALIFORNIA FOR THE AMOUNT OF \$1,473,687.50 AND; AUTHORIZING CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS AND ALL CHANGE ORDERS ON BEHALF OF CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY, AND; AUTHORIZING FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES; AND DIRECTING STAFF THAT THE CIP ROAD PROJECT PROJECTIONS COME BACK IN NOVEMBER FOR REVIEW AND ANALYSIS BASED ON A NEW FINANCIAL MODEL THAT THE CURRENT ACTION IS DEMONSTRATING. 5-0-0-0 Motion Passes

Public Comments: None received

- b. City Council consider adopting **Resolution No. 2019-88**, approving a coordination agreement between the Marina Groundwater Sustainability Agency (MGSA) and the Salinas Valley Basin Groundwater Sustainability Agency (SVBGSA) for the preparation of Groundwater Sustainability Plans (GSPs) in accordance with the Sustainable Groundwater Management Act (SGMA), and; authorizing the City Manager to execute the Agreement on behalf of the City subject to final review and approval by the City Attorney. *Pulled by public, was agenda item 8g(3)*

Cody Phillips, Lombardo & Associates representing CalAm – Submitted letter this afternoon and provide copies with attachments to the Clerk and Attorney for review. We request that Mayor Delgado, Council Member Berkley and Council Member Morton recuse themselves from this item which directly implicates their long-standing biased against CalAm's Monterey Peninsula Water Supply Project. CalAm has submitted substantial evidence of bias on part of these decision makers which prevents them from fairly and impartially making decisions that would impact the project. We would ask that the city refrain from taking action because the city has demonstrated institutional biased against CalAm's project and the city's actions are improper under the Sustainable Groundwater Management Act and State law. The city's attempt in creating its own GSP exclusively for the Cemex site is legally and procedurally improper and is a blatant attempt to halt this much needed project. Therefore, we would ask that you refrain from taking action this evening. Thank you for your time.

Public Comments:

- Paula Pelot – That is such a bunch of hogwash, especially for a water company. That city council members and a mayor would attend meetings and express concerns and document that in the interest of their community is absolutely ridiculous. I am sick of hearing from CalAm and wish they would go away. Thank you

MORTON/BERKLEY: TO ADOPT RESOLUTION NO. 2019-88, APPROVING A COORDINATION AGREEMENT BETWEEN THE MARINA GROUNDWATER SUSTAINABILITY AGENCY (MGSA) AND THE SALINAS VALLEY BASIN GROUNDWATER SUSTAINABILITY AGENCY (SVBGSA) FOR THE PREPARATION OF GROUNDWATER SUSTAINABILITY PLANS (GSPS) IN ACCORDANCE WITH THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA), AND; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY. 5-0-0-0 Motion Passes

- c. City Council consider adopting **Resolution No. 2019-89**, approving grant agreement between City of Marina and Federal Aviation Administration (FAA) for the Airport Improvement Program (AIP) 2019 designated project – Extend Taxiway B east to threshold of Runway 29 - Construction in the amount of \$2,338,843, and; authorizing application for and acceptance of a State match grant in the amount of \$116,942, and; awarding construction contract to Granite Rock Company, of Watsonville, California, in amount of \$2,278,915, and; approving professional services agreement between City of Marina and Tartaglia Engineering, of Atascadero, California, in amount of \$289,300 for construction management, inspection, surveying, and construction materials testing services, and; increasing appropriations in FY 2018-19 Budget, Airport Capital Projects Fund 460 in the amount of \$838,715, and; increasing appropriations in FY 2018-19 Airport Operations Fund 555 in the amount of \$46,130, and; authorizing Finance Director to make necessary accounting and budgetary entries as necessary, and; authorizing City Manager to execute grant application and grant agreement documents, contract documents, and professional services agreement documents on behalf of the City, subject to final review and approval by City Attorney. ***Pulled by Mayor Pro-Tem Morton, was agenda item 8g(4)***

Mayor Pro-Tem Morton – Cost increase - How did we miss the significant increases between December 2018 and now? Do we have adequate funds? What do we do if we have to pay \$105,000 more than what we budgeted? Is there enough activity during the day to warrant nighttime work on the runway?

Council Questions – Reference in staff report of August 6th deadline date, is there a problem with this now being August 20th? And there is still no problem with the federal government and the grant and the marijuana ordinance that we have? This extension of the taxiway, what affect if any does it have the likelihood of us being successful of getting grant money for extending the runway?

Council Member O’Connell: In years past, prior to you getting involved, the relationship with the FAA was not as beautiful as it is now. I think this Council needs to realize the effort and work Jeff is doing out there pretty much on his own except for the maintenance person who is helping you. I truly appreciate the fact that the airport is coming around and being successful. On behalf of the Council thank you very much.

MORTON/URRUTIA: TO APPROVE RESOLUTION NO. 2019-89, APPROVING GRANT AGREEMENT BETWEEN CITY OF MARINA AND FEDERAL AVIATION ADMINISTRATION (FAA) FOR THE AIRPORT IMPROVEMENT PROGRAM (AIP) 2019 DESIGNATED PROJECT – EXTEND TAXIWAY B EAST TO THRESHOLD OF RUNWAY 29 - CONSTRUCTION IN THE AMOUNT OF \$2,338,843, AND; AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A STATE MATCH GRANT IN THE AMOUNT OF \$116,942, AND; AWARDING CONSTRUCTION CONTRACT TO GRANITE ROCK COMPANY, OF WATSONVILLE, CALIFORNIA, IN AMOUNT OF \$2,278,915, AND; APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF MARINA AND TARTAGLIA ENGINEERING, OF ATASCADERO, CALIFORNIA, IN AMOUNT OF \$289,300 FOR CONSTRUCTION MANAGEMENT, INSPECTION, SURVEYING, AND CONSTRUCTION MATERIALS TESTING SERVICES, AND; INCREASING APPROPRIATIONS IN FY 2018-19 BUDGET, AIRPORT CAPITAL PROJECTS FUND 460 IN THE AMOUNT OF \$838,715, AND; INCREASING APPROPRIATIONS IN FY 2018-19 AIRPORT OPERATIONS FUND 555 IN THE AMOUNT OF \$46,130, AND; AUTHORIZING FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES AS NECESSARY, AND; AUTHORIZING CITY MANAGER TO EXECUTE GRANT APPLICATION AND GRANT AGREEMENT DOCUMENTS, CONTRACT DOCUMENTS, AND PROFESSIONAL SERVICES AGREEMENT DOCUMENTS ON BEHALF OF THE CITY, SUBJECT TO FINAL REVIEW AND APPROVAL BY CITY ATTORNEY. 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 Council adjourned back into Closed Session at 7:25 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor