



MINUTES

Wednesday, January 20, 2021

5:00 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

Zoom Meeting URL: <https://zoom.us/j/730251556>

Zoom Meeting Telephone Only Participation: 1-669-900-9128 - Webinar ID: 730 251 556

In response to Governor Newsom's Executive Order N.29-20 and City Council Resolution 2020-29 ratifying the Proclamation of a Local Emergency by the City Manager/Director of Emergency Services related to the COVID-19 (coronavirus) pandemic, public participation in the City of Marina City Council and other public meetings shall be electronic only and without a physical location for public participation, until further notice in compliance with California state guidelines on social distancing. This meeting is being broadcast "live" on Access Media Productions (AMP) Community Television Cable 25 and on the City of Marina Channel and on the internet at <https://accessmediaproductions.org/>

1. CALL TO ORDER
2. ROLL CALL & ESTABLISHMENT OF QUORUM: (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency)

MEMBERS PRESENT: Cristina Medina Dirksen, David Burnett, Lisa Berkley, Mayor Pro-Tem/Vice Chair Kathy Biala, 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, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency) 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 (4) of CA Govt. Code Section 54956.9: City of Marina and Marina Groundwater Sustainability Agency v. County of Monterey; Monterey County Board of Supervisors; County of Monterey Groundwater Sustainability Agency; California Department of Water Resources; ad Director Karla Nemeth in her official capacity; Monterey County Superior Court Case No. 19CV005270
- b. 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 potential case.
- c. Property Negotiations
 - i. Property: The Dunes on Monterey Bay, Opportunity Phase 1A Hotel Site
Negotiating Party: Marina Community Partners, LLC
Property Negotiator: City Manager
Terms: Price and Terms
 - ii. Property: Ord Market Parcel, 2700 Imjin Parkway (APNs 039-101-039 & 039-202-058)
Negotiating Party: Mr. Darryl Choates
Property Negotiator: City Manager
Terms: Price and Terms
 - iii. Property: Marina Airport Restaurant, Bldg. 529, 771 Neeson Road (APN 031-112-039)
Negotiating Party: A Taste of Elegance, LLC
Property Negotiator: City Manager
Terms: Price and Terms

6:50 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 this evening on all the matters listed on the agenda and on each one of those matters Council received information, provided direction and no reportable action was taken on any of the matters discussed in Closed Session.

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

5. SPECIAL PRESENTATIONS:

- a Pacific Gas & Electric Presentation
- b Fire Department Patch Presentation
- c Covid Vaccination Update
- d 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.

- Wendy Root Askew, District 4 Supervisor – Provided her background history and was recently elected to the seat of District 4 Supervisor; introduced her team as Yuri Anderson, Jenny McAdams and Eric Mora and have been active on social media sharing information on County updates and Covid information. County office is virtual due to Covid. Committee assignments for District 4 for this year include the budget committee, alternative energy and environment committee, human resources, Covid Ad-hoc communication committee, central coast community energy, central California alliance for health, Monterey Bay Unified Air Pollution Control District, MRWMD, and TAMC. County is planning for mass distribution of the Covid vaccine and testing sites still remain available in Seaside and Monterey.
- Brian McCarthy – Announced 2 Odor meetings taking place. On Friday, January 22nd at 9:00am hosted by Monterey Regional Waste Management District and then on Wednesday, January 27th at 6:30 PM the City will host; Commented on the compost fire that broke out this weekend; Sent an email to council last week on tobacco retail licensing and Marina still has not taken any action in moving our city in a different direction. The American Lung Association give Marina an overall grade of F in each one of 3 sub areas measured (smoke free air, smoke free housing, sales of tobacco products to minors) which gives us zero bonus points for any efforts the city has taken with regard to emerging issues. Hopes council will look at tobacco retailing licensing as a first step and help protect our kids in the future.
- Audra Walton – Made comments on the Inauguration and thanked everyone who served under the past administration; Monterey County Black Caucus will have its first black talent show on February 6th at 6:00PM via Zoom. Monterey County Black Caucus has a mission to heal and empower the black community by cultivating leadership, providing a safe place for black residents to unwrap and reflect by advocating for equity and inspiring culture through arts and community development. We heal through arts, music, colors, dancing, laughing and most of all we heal through unity. Signup to join the Monterey County Black Caucus on Facebook and for all questions and submissions please email: mcbc831@gmail.com.
- Mike Owen – Submitted an 8-page summary of the Site and Exploration Committee from 2009 and was given assurances that that would be passed on to the Recreation and Cultural Services Commission and also expressed a request to do a presentation or at least to be able to speak a little bit more than 4-minutes so I would appreciate some feedback on that. Commented on the February 3rd Recreation Commission meeting would be a once and done deal and hoping that's not the case and that due deliberation is given and have February 3rd meeting as a work study and not just something that's expected to have a decision based on very summary exploration. Happy that members got to look at the sites which I had recommended last year but I had only mentioned MST, Vince DiMaggio and in back of the Library so I'm not sure any of the other sites were looked at or what kind of criteria people used to judge the sites which is supposed to be determined by the commission.
- Liesbeth Visscher –would like to encourage everyone to visit Citizens for Just Water website: www.citizensforjustwater.org to learn about the threat to our water. Click on Sign Up for Updates and add your information to our email list. This is the best way for us to reach you in the future when or if Cal-Am's proposed Slant Well project will be back on the Coastal Commission's agenda we again will need lots of help. Please stay tuned. Thank you, council for all that you're doing for our city.
- Nancy Littlejohn – Commented on the conditions of the city streets in Marina particularly Andrew Circle. Noted that several children have had spills on that street resulting in bruises, scrapes, cuts etc.... Neighbors have expressed concerns about the condition. This street is poorly maintained and knows that Council is looking at the agenda for the next few months and would request that the

street allocation of repairs in Marina that at least we can look at possibly seeing when we can get Andrew Circle repaired, thank you.

- Grace Silva-Santella – Inquired as to what the format will be for the February 3rd Recreation Commission meeting, what the involvement of the public will be and if they expect to make a decision at that meeting. Are they looking at the MLK statue by itself or is there an agenda item to be including all other statues that city has in storage?
- Paul Beery – Provided Marina Equestrian Center updates and thanked the Marina community for coming out to the Equestrian Center to enjoy the Winter Wonderland and look forward to future events; New programs MEC partnered with the Monterey Bay Equestrian Center to offer an expanded trail riding program. They have 8 horses boarded at the facility and they offer guided trail rides through the Fort Ord Dunes State Park and other trails in and around Marina. We've expanded the lesson riding program in anticipation of the partnership with CSUMB and the equestrian team. We've added a full-time riding instructor specializing in western riding. The MEA is taking efforts to respond to the fires in Santa Cruz county and have reached out to the animal services and animal social media outlets to let them know the Equestrian Center is open and here to help.
- Mayor Pro-Tem Biala – Read responses from City Attorney on her questions relating to the public role with the entire council and the Brown Act. Spoke about the development of signs courteous of the city's Covid-19 Enforcement for the local businesses to place on their doors/window saying, "We wear masks to protect YOU...please wear masks to protect US". Thanked the City for doing this public service announcement and thank you to all the businesses who agreed to hang these up in their place of business.
- Council Member Burnett – Wanted to see if there was any interest on the part of the Council possible hosting sometime in April or earlier a memorial or moment of silence for the victim of the Covid-19 deaths that have taken place in Marina and throughout the Nation. Commented on the inauguration and peaceful transfer of power to a new administration and that this is signaling a new time, a new era in our country. Two weeks ago, a riotous and Sidious mob used every effort they could to take away, to defer our democracy and I think 1/6 is a date that shall live infamy in the world. Encouraged everyone that if you hear anyone celebrating their activities in Washington on 1/6 that you reject such claims, that you denounce such celebration and call them out for what they truly were, the Traitors X to betray our country.
- Brian McMinn, PW Director – Announced on January 27, 2021 at 6:30 p.m. there will be a Zoom meeting on the Odors in Marina. Participants will be the County Environmental Health, Air District, Waste Management District, Monterey One Water, Cal-Recycle, the Ag Community.
- Council Member Medina Dirksen – Commented on the events at the Capital and thanked all the attendees tonight for participating. Thanked the volunteers at the Food Drives for helping out the Thomas Carman Food Bank since they were unable to participate this last round. Shoutout to one of Marina's firefighters, Anthony Prado who is part of the Strike Team who went down the LA help with the overflow of Covid patients, so thank you to him, his family and colleagues for covering shifts.
- Tina Nieto, Police Chief – Thanked Mayor Pro-Tem for the work that her committee has done to reduce the Covid vaccinations. Since the Covid outbreak we've really had a community that's been cooperative with wearing masks and doing the right thing and following the Covid protocols. Spoke about Covid fatigue and her department getting calls to back up the Covid Enforcement Officer to because people are refusing to wear masks in public. Wanted the public to know that you can be cited for that and that we know you're tired and it's affecting everybody, but we understand. We want to ask for your continued cooperation in helping us all be safer.

- Mayor Delgado – Thanked Haley and Julianna for putting on an event, a drive-in movie at in Marina that will be free for the first 30-cars that register on February 27th at the Veterans Transition Center; Thanked volunteers for the litter pickup events and graffiti removal; Shoutout to Glenn Woodsen for Marina Holiday Lights.

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 96631-96834, totaling \$1,363,551.53
Wire transfers from Checking and Payroll for November 2020 totaling \$1,138,325.66

b. MINUTES:

- (1) December 1, 2020, Regular City Council Meeting
- (2) December 15, 2021 Regular City Council Meeting
- (3) December 16, 2020, Adjourned 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. 2021-01**, approving a new Fire Department shoulder patch as the official Fire Department Shoulder Patch.

g. APPROVAL OF AGREEMENTS: None

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

- (1) City Council receiving a report containing the Fire and Police Departments Drone Policy.

- (2) City Council receiving and filing a report on the status of the City's COVID Business and Residential Loan Programs.

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS:

- (1) City Council consider appointing to Planning Commission: Audra Walton, 1-seat expiring February 2022; and Brian McCarthy, Hyunsoo Hur, Glenn Woodson and Surinder Rana. 4-seats expiring February 2023.

Brian McCarthy – Commented on the Drone Policy; How will PRA be handled for the Drones?

DELGADO/BIALA: TO APPROVE THE CONSENT AGENDA. 5-0-0-0 Motion Passes by Roll Call Vote

City Manager Long announced that staff will be pulling agenda items 11a, 11b and 11c from the agenda.

Mayor Delgado indicated that due to the time needed for agenda item 9b he suggested moving agenda item 9a to the end of the meeting.

DELGADO/MEDINA DIRKSEN: THAT WE MOVE AGENDA ITEM 9a TO THE END OF THE AGENDA. 3-2(Burnett, Berkley)-0-0 Motion Fails. Needed a unanimous vote

9. PUBLIC HEARINGS:

- a. City Council open public hearing taking testimony from public and consider introducing and reading by title only and waiving further reading Ordinance 2021-repealing existing Chapter 5.28 of Title 5, Article II of the Municipal Code in its entirety and replacing it with a new Chapter 5.28 entitled "Bingo."

Council Questions: None asked.

Mayor opened the public hearing for public comments:

- Brian McCarthy – Made comments on priorities and perspectives related to placing item on the agenda.

DELGADO/BURNETT: WE APPROVE THE FIRST READING BY TITLE ONLY AND WAIVING FURTHER READING ORDINANCE 2021-REPEALING EXISTING CHAPTER 5.28 OF TITLE 5, ARTICLE II OF THE MUNICIPAL CODE IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 5.28 ENTITLED "BINGO." 5-0-0-0 Motion Passes by Roll Call Vote

- b. City Council open a public hearing and take testimony from the public and consider Planning Commission recommendation to adopt a Resolution approving a Combined Development Permit consisting of 1) a Lot Line Adjustment; 2) Conditional Use Permit for residential density over 25 units per acre; 3) 35% Density Bonus and Project Incentives to allow an increase in allowable height from 42 feet and three stories to 54 feet and four stories and a reduction in parking with associated waivers for a reduction in front yard setback and a reduction in covered parking; 4) Affordable/Inclusionary Housing Plan for 14 on-site affordable housing

units; 5) Tree Removal Permit for the removal of nine (9) trees; 6) a Sign Permit; and 7) Site and Architectural Design Review for the Site Plan, Elevations and Landscape Plan to allow the development of a new four-story, 94-unit apartment complex at 3298 Del Monte Boulevard (APNs 032-031-001 and 032-031-003).

Council Questions: Will these be rentals or Condos co-ops? Why is it not combined into one lot for this project as opposed to two separate lots? Which lot has the access? Are the parking stalls divided between the lots and are they proportionate to the number of units on each lot? Is it feasible then if they're doing it for financing that upon completion of the building that the two lots can be combined into one? Do you see a need for further cooperation given that we have a 5 meeting limit, do you see that the Planning Commission and City Council can combine our efforts in some way that would help streamline but at the same time make sure nothing gets dropped through the cracks? With the 60-day window with action to be taken otherwise it would be an automatic approval, if so, with us sitting here is that considered taking action? On the traffic study there was mentioned 500 trips, what constitutes a "trip" and did they consider how many "trips" are on Del Monte any given day? How many entry/exit points are there for this project? Visitor Parking, Bik Lanes and limited handicap parking? Does the city have a ladder truck to accommodate a four-story building and is there fire lanes? Sprinkler system installation? Parking versus bonus density?

BERKLEY/DELGADO: TO OPEN THE PUBLIC HEARING AND CONTINUE THE HEARING TO THURSDAY, JANUARY 28, 2021 at 6:00 P.M. 5-0-0-0 Motion Passes by Roll Call Vote

Public Comments on Motion

- Brian McCarthy – Supports motion
- Audra Walton – Supports motion
- Paula Pelot – Supports motion

Mayor opened the public hearing for public comments and continued the public hearing to January 28, 2021 at 6:00 P.M.

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. 2021, approving the designation of a portion of Parcel N as shown on the Phase 1C 3rd Final Map as Right of Way. Pulled by Staff, continued to February 2, 2021~~
- b. ~~City Council consider adopting Resolution No. 2021, approving the Phase 2 East/Residential Public Improvement Agreement between City of Marina and Shea Homes, LP, and authorizing the City Manager to execute the Public Improvement~~

~~Agreement on behalf of City subject to final review and approval by the City Attorney. ***Pulled by Staff, continued to February 2, 2021***~~

- c. ~~City Council consider adopting Resolution No. 2021, approving the Phase 2 East/Residential Final Map for the Dunes on Monterey Bay development project subdivision (formerly University Village), and authorizing the City Clerk to execute the final map on behalf of city subject to final review and approval by the City Attorney. ***Pulled by Staff, continued to February 2, 2021***~~
- d. City Council consider adopting Resolution No. 2021, receiving a staff presentation on blight removal and blight removal projects and; providing direction on priorities for blight removal and building rehabilitation.
- e. Covid Update

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 Thursday, January 28, 2021

ATTEST:

Anita Sharp, Deputy City Clerk

Bruce C. Delgado, Mayor