MINUTES

Tuesday, June 15, 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)

   MEMBER 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. 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

b. Conference with Legal Counsel, one case of existing litigation pursuant to paragraph (1) of subdivision (d) of CA Govt. Code Section 54956.9: City of Marina v. A Taste of Elegance, LLC, Monterey County Superior Court Case No. 21CV001554."

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

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 and discussed all three matters listed. Council received information, gave direction and no reportable action was taken.

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

5. SPECIAL PRESENTATIONS:

   a LGBTQ Pride Month Proclamation

   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.*

- Patty Martin Chappel – Understands that the Marina residents put recreational plans high on their priority list of projects that they would like the city to complete. I'm part of a steering committee, which is interested in hosting the city of Marina to have roller sports continue alongside other sports at the Water City facility. Our dedicated committee feels that bringing the Water City facility up to par is the first step in creating a new plan for the successful continuation of a multi sports facility, including roller sports. It has the potential to become a financially viable business and a main draw for the residents of Marina and Monterey County, as well as from the outside area, other sports that can be practiced and played outdoors. Marina is fortunate to have a building

with great potential moving forward with clean up new management, proper scheduling and proper promotional efforts, our steering committee is confident that the facility can be turned around to host a variety of sports and events. Our steering committee has a variety of people with professional skills, dedication, and willingness to assist the city of Marina to get the facility operational and on its way to greatness for the community.

- Mike Owen – I think, Terry Siegrist's statement about the recreation center, slowly coming alive is misleading, because in my view, they have never ceased being very active and energetic. Two weeks ago, at the council meeting, I asked a technical question about if the Sea Haven and Dunes Specific Plans might allow less than a 15-gallon tree replacement as mitigation. Concerned about the effects of wind burn on highly exposed areas, such as Hilltop Park, the roundabout at Del Monte Avenue and Beach Road etc. because the smaller the gallon sizes you go to the actual chances of long-term growth increases and the chances of survivability increase and in addition, there's much less water that needs to be provided at those smaller sizes. So, I think it would be helpful if we ever are able to find out if less than 15-gallon sizes could be planted in a Dunes and Sea Haven.
- Frank O'Connell – Responded to some misrepresentations made at the meeting last June 2nd related to campaign finance reform. Explained how the campaign finance ordinance was brought about and eventually approved.
- Council Member Berkley – Noted that on Thursday, June 17th is Civil Disobedience Day.
- Mayor Delgado – Responded to the statement by Frank O'Connell. Spoke about the volunteers that came out and cleanup Los Aboles Middle School sports complex in time for Junior Giants Kickoff event; thanked the volunteers who showed up on June 12th to help clean up 14.5 miles of roadside trash along Lapis Road and Del Monte Blvd. and thanked the businesses who provided sandwiches for both events. Noted on June 19th Citizens for sustainable Marina spot woodland cleanup between Salinas Avenue and Imgin Parkway, just south of Reservation road from 10am to Noon. Note on June 27th at the Marina Library from 12:00pm-4:00pm the will be a volunteer project in conjunction with an Eagle Scout Project launching a community garden project, the project will consist of building three new garden beds and will be building about 11 new cages lids that go on top so the animals can't get into the garden beds.
- Mayor Pro-Tem Biala – The mayor is correct that this ordinance does not level the playing field for fundraising. Noted that there's possibly three unconstitutional aspects of this ordinance, and I do look forward to part two of our discussion about the campaign finance ordinance.Thank you

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 97759-97850, totaling $309,385.69
Successor Agency Accounts Payable Check Number 65, totaling $3,199.42

b. MINUTES:

(1) June 2, 2021, Regular City Council Meeting ***Pulled by Council Members Burnett and Berkley, to be brought back at July 7, 2021 meeting***

c. CLAIMS AGAINST THE CITY:

(1) City Council Rejection of Claim - staff recommends that the City Council reject the following claim and direct sending appropriate notice of rejection to claimant: Dante Waddy for a claim received on June 9, 2021.

d. AWARD OF BID: None

e. CALL FOR BIDS:

(1) City Council consider adopting **Resolution No. 2021-61**, approving advertising and call for bids for the Marina Airport Building 533 Exterior Improvements project.

f. ADOPTION OF RESOLUTIONS:

(1) City Council, Successor Agency to Marina Redevelopment Agency Board, Abrams B Non-Profit Corporation Board, Preston Park Sustainable Community Non-Profit Corporation Board and Airport Commission consider: adopting **Resolution No. 2021-62, 2021-01 (SA/MRA), 2021-01 (NPC), 2021-01 (PPSC-NPC) and 2021-01 (MAC)** continuing appropriations for FY2021-22.

(2) City Council consider adopting **Resolution No. 2021-63**, establishing appropriations limit for FY 2021-22.

(3) City Council consider adopting **Resolution No. 2021-64**, adopting an updated list of projects for Fiscal Year 2021-22 funded by SB 1: The Road Repair and Accountability Act of 2017.

(4) City Council consider adopting **Resolution No. 2021-65**, approving acceptance of $44,220.88 from State of California, CHP Cannabis Tax Fund Law Enforcement Grant FY 2021-2022, and; authorize expenditure of said $44,220.88 received from State of California, CHP Cannabis Tax Fund Law Enforcement Grant FY2021-2022 and; authorize Finance Director to make necessary accounting and budgetary entries, and; authorize City Manager to execute grant documents on behalf of City subject to final review and approval by the City Attorney.

(5) City Council consider adopting **Resolution No. 2021-66**, approving an Exemption for Coastal Development Permit Appeals from the S-051 Appeal to the City Council fee; and authorizing the Finance Manager to update the City-wide fee schedule accordingly.

(6) City Council consider adopting **Resolution No. 2021-67**, authorizing the Mayor to sign a letter of support on behalf of the City Council to be sent to Congressman Jimmy Panetta supporting pharmacy serves at Major General William H. Gourley VA-DoD Clinic in Marina.

(7) City Council consider adopting **Resolution No. 2021-68**, expressing interest in participating in a viability study for a Central Coast Public Bank, and authorizing the City Manager to send a letter to Santa Cruz County Administrator, Carlos Palacios, expressing our initial interest in participating in a viability study for a Centra Coast Public Bank.

(8) ~~City Council consider adopting Resolution No. 2021-, authorizing the Mayor to sign a letter on behalf of the City Council supporting the opposition AB 1322 (Rivas).~~ ***Pulled by Council Member Berkley – Tabled***

g. APPROVAL OF AGREEMENTS

(1) City Council consider adopting **Resolution No. 2021-69**, authorizing the City Manager to execute the Master Agreement administering Agency-State agreement for State funded projects (Agreement No. 05-5416S21) with the State of California Department of Transportation (Caltrans), and; authorizing the Public Works Director to accept and sign all Program Supplements to the Master Agreement No. 05-5416S21 with Caltrans.

(2) City Council consider adopting **Resolution No. 2021-70**, authorizing the City Manager to sign an agreement with HdL ECONSolutions to assist the City with administration of funding from the American Rescue Plan Act (ARPA) and development of an action strategy for COVID-19 relief and economic recovery programs and authorizing the Finance Director to make the necessary accounting and budgetary revisions subject to final review and approval of the City Attorney.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

(1) City Council consider adopting **Resolution No. 2021-71**, receive and file the City's Annual Audit for the period ending June 30, 2020; and, receive and file the City of Marina Auditor Governance Letter (SAS 114) and Management Letter (SAS 115) for the fiscal year ending June 30, 2020.

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS: None

Council Member Burnett requested to pull agenda item 8b(1).

Council Member Berkley requested to pull agenda item 8f(8) for discussion as well as 8b(1).

Mayor Pro-Tem Biala requested a correction to the minutes of June 2, 2021 (8b(1)) Page 3, under Communication from the Floor, Mayor Pro Tem Biala, the corrections should be *"commented on recent events involving hate and violence and racism; sensitizing, the community to ongoing issues of racism."* and made comment on agenda item 8f(5)

City Attorney suggested adding the language that "reducing the fee for any such appeal to zero". For the resolution on agenda item 8f(5)

DELGADO/BERKLEY: TO APPROVE THE CONSENT AGENDA MINUS 8b(1) AND 8f(8) WITH CORRECTIONS TO 8b(1) AS NOTED BY MAYOR PRO-TEM BIALA AND WITH THE ADDITIONAL LANGUAGE TO THE RESOLUTION TO AGENDA ITEM 8f(5) AS NOTED BY THE CITY ATTORNEY. 4-0-1(Medina Dirksen)-0 Motion Passes by Roll Call Vote

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. 2021-72**, accepting the Emergency Services Consulting International (ESCI) Standards of Cover: Deployment Analysis Fire Study.

DELGADO/BURNETT: TO ADOPT RESOLUTION NO. 2021-72, ACCEPTING THE EMERGENCY SERVICES CONSULTING INTERNATIONAL (ESCI) STANDARDS OF COVER: DEPLOYMENT ANALYSIS FIRE STUDY. 4-0-1(Medina Dirksen)-0 Motion Passes by Roll Call Vote

Public Comments:

- Grace Silva-Santella – thanked the consultants and the fire chief, this has been an amazing presentation and report to listen to, it's a little frightening but also realizing how much our city needs to be prepared for and that we are not prepared for. Has 95 year old mother who lives in Monterey and we have had to utilize fire and ambulance for her care in this past year and quite aware of what the challenges are; and listening to this report this evening has really made me be more appreciative of the care of my mother received in Monterey, but also has made me be more understanding of how difficult it must be for cities to be balancing the cost and meeting the needs of the residents. Thank you for this amazing report, and to also express my gratitude. Thank you
- Denise Turley – wanted to thank fire fighter Anthony Goncalves, who 16 years ago, saved my mom's life. Fantastic. Thank you
- Anthony Goncalves – Thanked everyone for their tireless work on the study. We, the Marina Firefighters union just wanted to reiterate that we support the findings of the study and that you know as a union, the most important thing to us is the response time to the public, and being there for them in their times of need. So, whatever needs to happen to push that forward, obviously we're going to support that. Again, thank you for the study it was very comprehensive, very data driven, and hopefully we can take this data and grow from it together as a city

b. City Council consider adopting Resolution No. 2021-73, receiving a report on the Hilltop Park ad-hoc committee recommendations and providing direction on the final design of the Hilltop Park at The Dunes.

Public Comments:

- Karen Andersen – Noted that the hardscaping proposed has not been something that the ad hoc committee was going to be able to modify. And so, begin construction of parts escaping. You know the paths and everything could have been done already and with anticipation of planting in the Fall, which is the appropriate time to plant the types of California natives that are local and are available, even in common nursery stock. Made the contribution of the stated Native Plant List I think what that was referred by Mr. McMinn, and I'm hoping that that goes into the report, because it was a spreadsheet of California native plants that were where I started with Dr. Watson, historically, present plants from the hilltop Park site that may be going through the time. That may be going through the time but way back to maybe when the army held the property. Added in locally native plants from the reference book Flora of Fort Ord by David Styarr, and then ranked those plants by the number of pollinators, which utilize them. Thanked Brian for adding Dr. Watson websites to the ad hoc committee report. Noted for information education purposes, plants that had the highest number of pollinators starts off with the coast live oaks with 270 species, the various ceanothus, California lilac species at 117, the various Lupin species at 75, and the various Manzanita's at 68 native pollinators using them so it would be very easy to get any of those plants from local nurseries, they're not going to be hard for the developer to find. Asked that her name be spelled correctly on the final version
- Mike Owen – It is my understanding that the specific plan, says that they cannot plant, less than a 15 gallon tree plant and asked if there's any way by mutual agreement or somehow to allow smaller gallon sizes to be planted at the more wind exposed areas.
- Fred Watson – Think it's just important to understand the history a little bit more deeply particularly the idea to plant local natives is not a new requirement. It's been there all along. This is important the council is fully aware of it. It really starts with the environmental impact report, which is to identify protected plants, and then decide whether or not you're going to protect and preserve those plants in perpetuity and not touch them, or whether you're going to take them and then mitigate them elsewhere. In this case, the developer opted for the former so there's this obligation to protect San Gilia, and in perpetuity some parts of the development, but San Gilia was not found at hilltop Park, what was found at hilltop Park was some sensitive clients not protected legally.
- Juli Hofmann – Having been on the ad hoc committee and looked at the proposed plan which as we knew was a conceptual plan it's a solid plan, it's good. Our recommendations were really based on trying to build resilience, as we're all very aware of what a difficult area that is. Many of the native plants are and I think that it's not so much based on restoration but just more about the lifetime of the park and really building something that we can all be proud of. Some of those plants that are up there are up there for a reason with no water, no care. So, we'd like to see more of those plants up there, simply because they'll just be easier to take care of in the long run. We did run into the issue that because it was a conceptual plan it wasn't up to date with the trees that had been inadvertently removed. The mitigation of 3 to1 wasn't shown anywhere on the plan and did show where the mitigated trees were going to go. Tt's kind of hard to recommend the plan. Thinks we will eventually meet somewhere in the middle and find something that works really well for everybody.
- Laura Hoover – 3:24:49 thanked everyone for their comments tonight. Finds it ironic to hear the developer in this conversation, asking for speed and efficiency in this process, of which they have actually made longer because of their mistake and how they approached the development of the site. Disappointed that there's no contrition at all in the remarks made by the developer this evening for the mistake that was made. Wants to encourage the developer to work with the recommendations of the ad hoc committee, and with the community to remedy the situation. By

using native plants to restore the area by working with consultants who are certified to do this work with native plants, and to work together for a sustainable successful long-term solution. Thank you very much

- Tommy – Spoke about all the installation of plants and trees and whatnots but have you considered the gophers and what it will take to maintain them.
- Don Hofer – A comment was made, which was really resonated with me and that you know I hadn't made an apology for the cutting of the trees and so I should have done that. Marina Community Partners (MCP) continues to apologize for the inadvertent cutting of the trees on Hilltop Park. We didn't benefit from it in any way at MCP and in fact the current Park design that has the trail actually going right through the area that was cut where these trees were. So, it's a funny kind of irony but I throw that out there because I think it's important to tell the whole story. Right. So much has been put back on us, as the developer but I want the community to really understand that we have not benefited in one way from this, it's cost us a lot. It was an individual on a crew that made a mistake that goes home to his family every night, and the local area, and has also apologized for the mistake so I hope that brings it down to kind of the human scale. In terms of process you know the way these parts come together as you go through a concept design which is what we're doing now and then we go and we design, working drawings the actual construction documents in a process with staff and with consultants and with this team that has been recommended as part of the ad hoc committee recommendations and so there have been some comments about us being able to install hard scape, or maybe start to propagate plants when we don't even have an approved design. We have no way of doing that. So, we wouldn't be investing in installing hard scape that isn't approved yet, or probably getting plants that we don't even know if we're going to plant yet, so there's some time. I love the comments about sustainability and some of the comments about the plant lists that have been put together. We appreciate and we're listening to it and I think this is going to be a better part designs at the end of the day, because of a lot of the work that you guys have done, and the work the community has done and so we embrace that and we thank you, we want it to be a community park. We just want to try to move it forward. We're here for the long term. We're here to make sensible decisions with the city. Please trust your staff, let this go back to staff and let staff work with us on details on working it out, and then moving this forward from there. Thank you tonight

9:59 PM

Berkley/Delgado: that we continue to completion of this discussion. 3-0-2(Burnett, Dirksen)-0 Motion Passes by Roll Call Vote

Berkley/Delgado: to continue the meeting to 10:45 PM. 3—2(Burnett, Dirksen)-0 Motion Passes by Roll Call Vote

Berkley/Delgado: That we adopt Resolution No. 2021-, receiving the report on Hilltop Park and ad-hoc recommendations and we would like to see theses be guideposts for how we move forward; and that the ad-hoc committee continue to stay involved in the process of the next steps.

Modified Motion
Mayor Delgado - motion is modified to include two people, then I would suggest it be Fred Watson and myself.

Berkley - And that's I'm fine with that in the motion

Brian McMinn – The recommendations are in the resolution but not in the actual council actions. So, the motion would have to reference that you've added those recommendation from the Ad-hoc committee to be followed.

Mayor Pro-Tem Biala – with the exception that #9 will not be coming back to the Ad-hoc committee.

Mayor Delgado – So, if the motion were to adopt the resolution with the intent to follow the recommendations as best as possible with the exception of #9

Final Moton

BERKLEY/DELGADO: THAT WE ADOPT RESOLUTION NO. 2021-73, RECEIVING THE REPORT ON HILLTOP PARK AND AD-HOC RECOMMENDATIONS WITH THE INTENT TO FOLLOW THE RECOMMENDATIONS AS BEST AS POSSIBLE WITH THE EXCEPTION OF #9; AND WE ASSIGN MAYOR DELGADO AND FRED WATSON TO BE A LIAISON BETWEEN THE DEVELOPERS STAFF AND THE AD HOC COMMITTEE MEMBERS WHO ARE INTERESTED IN REMAINING IN THE LOOP. 3-0-2(Burnett, Medina Dirksen)-0 Motion Passes by Roll Call Vote

~~c. City Council consider adopting Resolution No. 2021-, receive a presentation and provide comments on the preliminary concept plan for the park at Sea Haven; and approve the allocation of $400,000 from the Park Impact Fee Fund for the addition of pickleball courts which are beyond the developers funding commitment for the park; and authorize the Finance Director to make necessary accounting and budgetary entries.~~ ***Continued to July 7, 2021***

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 10:50 PM

_____
Anita Sharp, Deputy City Clerk

ATTEST:

_____
Bruce C. Delgado, Mayor