



MINUTES

Wednesday, July 7, 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. 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. 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

- c. 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.”

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 the three matters listed on the agenda. Council received information provided directly on all those items and there was no reportable action taken.

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

5. **SPECIAL PRESENTATIONS:**

- a **Recreation 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.*

- Mike Owen – Trying to save the city staff some time and expense and meeting the council's directive given for May regarding the tree surveys that the council asked to be done and made available to the public. best I can tell all the trees at Cypress Knowles, have been recently tagged, bright new shiny blue tags
- Margaret-Anne Coppernoll – I would like to express great gratitude and admiration for our men and women in blue. They are an integral component of our constitutional republic, that is, the

protectors of the rule of law, without which we cannot survive. Please consider issuing a resolution or proclamation to honor and thank our law enforcement. Let them know that their community loves them, depends on them, and most sincerely respects and values them and the dedicated selfless service and sacrifice they contribute to our safety and well-being. We will never agree to defund our police force. God bless them, and our entire city staff and council. The same goes for our firefighting force. Thank you so much.

- Tami Young – Wondered if the city council is aware of the irrigation out here Preston and Abrams Park and how much it costs. They make us run our irrigation which I personally don't have a problem with it but then when I get the water bill I have a problem with it so I don't know if there's something the city council or the city can do about lessening our irrigation needs out here for the grass.
- Teresa Holman – CSUMB public administration student and I'm going around to the different city council meetings and listening, and I just wanted to say hello to everyone and make my presence known Thank you.
- Paula Pelot – Explained the situation with the irrigation at Abrams and Preston Park and how the billing is done. I would like to hear the city manager speak to this in terms of maintaining a look at the property. Recently, the management company went around and turned down the number of watering's per week, along with the amounts of the time because it was accepted in some cases, and they have universally done that so I believe they've already taken the measures that they can take to do that in Abrams park, the yards are paid for by the residents and on average according to the water district. We all complain about it out here about the water bills we're all we all hate them, you know, but we do get a cut back in, how our rents are formulated that takes us higher water bills into account so I just wanted to give that information on the table.
- Jean Rasch – Just wanted to introduce myself. I joined you at Sustainable Marina to pick up garbage couple weeks ago, and I was glad to make your acquaintance. Thank you
- Council Member Medina Dirksen – Friends the Marina Library Bookstores is open it's located off of Reservation Road and our program will resume at the library with our Dads Read Program.; Visited the Teen Center the Fourth of July, Saturday and I want to give a hats off to Terry for handling our skatepark as well as he does. A big issue right now is kids and helmets. Gave a shout out to our public works department today, I talked with Oscar, Gabe and Kelly, they were fixing the Windy Hill Park, and just really gave them, kudos for all that they do and for the Fourth of July, they helped put up, as well as a lot of other volunteers, our flags. Attended a fourth of July celebration at grocery outlet so I want to thank them for closing the store early. And I was just wonderful to see so many families gathering there and doing the safe and sane. Asked the police chief to give an update on firework enforcement and how many citations were given out. shout out to Jeffrey Uchita and Terry and Mayor for helping with that event, out of Grocery Outlet and I hope we can work in the future to come to a better solution, maybe a community gathering so we can, or a light show or something that we can sort of mitigate some of the firework trauma that occurs. special shout out also to our nonprofits, they all sold out so for example the Marina Soccer League will be offsetting their \$300 per child costs to play the sport.
- Brian McMinn – Thanked Ocean Rock Church, they were the volunteer group that helped put the flags out on the Fourth of July this year as well.
- Mayor Delgado – Acknowledged Chris Bailey from the public works department on Saturday morning who was out there with a truck already loaded with about 35-40 flags and lead the volunteers to put them up with help of the Marina Police Department. Spoke about the Handcar program. You can ride the railroad in Marina on your own self-propelled hand car five days a week (excluding Tuesdays and Wednesdays) Cost is \$155 per handcar (\$38/Person). So, if you want to go on the rail, and you don't think you can afford it, please contact me, because on

Thursdays and Fridays, it will set aside five cars for families of four groups of four to ride the rail for free. If it's a problem to pay. My number is 277-7690. Thanked the volunteers that have been coming out several times a month, including July 4 holiday to clean up garbage in our underpass with a freeway goes over North of Del Monte all the way to the landfill along and our recreation trail in the woods of Salinas Ave. Our next event is Saturday, July 10 at 10am will meet at the southern junction of Lapis road and De Monte Boulevard from 10am until noon; on Sunday July 25 at 10am we're going to make another run through the 40 acres of Oak Woodland's, and the reservation road bike path between Salinas Avenue and Imjin Parkway, so we will clean up the roadside of reservation road, we will clean up the bike path parallel to Reservation Road, meet at the corner of Salinas Avenue and reservation road. Thank you to Anton Ortiz, he is a 16-year-old Marina resident. Anton organized 30 volunteers outside the Marina Library to build and install a new community garden for food for pollinator gardens and for native plants for his Eagle Scout Project. Shout out to "Bear" Don. Bear Don has been volunteering, almost on a daily basis to visit the homeless, clean up after the homeless and help the homeless, get rides to doctors' appointments and the Marina Transit Station and has been volunteering since April 1st Salinas Woods area of woodland just north of Preston Park, and immediately adjacent to Reservation Road.

- Police Chief Nieto – There were nine citations that were given out. Officers handed out sparklers and poppits to the children at different events and throughout the city. Officer spoke to residents about using Safe and Sane fireworks and reminded them to be safe with their fireworks. Reminded the community that we're not anti- fireworks we just want people to be safe when they do celebrate on the Fourth of July. There were questions asked about why we aren't using drones. I just want to remind the city that our drone use is limited under our CIA. So, we just don't do it for surveillance so it's very specific. When we can use the drone and can't use a drone for our policy. Should we move in that direction if the council wants us to move in that direction obviously will be guided by them but we do have to follow the rules and regulations and the laws concerning drones and has to be very transparent with our community that's, that's something they want, if we do move in that direction. Another question that was asked to me was why we didn't fine them as much as some of our sister cities if we caught him with illegal stuff. And I just want to remind the public that the fines are set by the Council. Our council wanted to move towards education, more than, you know, punishing people.
- Mayor Pro-Tem Biala – Thanked Chief Nieto and Chief McCoun for getting us safely through the Fourth of July. Spoke about environmental culture that she has seen happening. Visited different cities and noted the thing they have in common was the same pretty flowers you can buy in any Home Depot. Not only is this sad that we destroy any uniqueness of our cities across America but we've also destroyed the ecosystems that depended on certain plants that existed for centuries in that place that supported specific insects, that supported unique birds, and that supported different species of wildlife. They're all gone. Encouraged resident, city staff and developers to use native species and to use stock seed from what has already been growing here, I hope we continue to embrace our natural environment and prevent Marina from becoming anywhere USA, we have something very precious to offer our residents and our visitors. 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 97851-97999, totaling \$976,251.47
Successor Agency Accounts Payable Check Number 66, totaling \$8,312.49

b. **MINUTES:**

- (1) June 2, 2021, Regular City Council Meeting
- (2) June 15, 2021, 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. 2021-74**, approving Job Description and Salary Range for Assistant Civil Engineer with the provision that the Assistant Civil Engineer can Flex to an Associate Engineer position upon meeting qualifications and demonstration of mastery of the required engineering skills, and authorizing the City Manager to make necessary adjustments to city's classification and compensation plans, and authorizing the Finance Director to make the necessary and appropriate budget adjustments.
- (2) City Council consider adopting **Resolution No. 2021-75**, confirming levy of the special tax for the City of Marina Community Facilities District No. 2015-1 (The Dunes) for Fiscal Year 2021-22 as authorized by Ordinance No. 2015-03; and **Resolution No. 2021-76**, certifying City of Marina compliance with State law (Proposition 218) with respect to a special tax for the City of Marina Community Facilities District No. 2015-1 as authorized by Ordinance No. 2015-03 for Fiscal Year 2021-22.
- (3) City Council consider adopting **Resolution No. 2021-77**, authorizing change in signatories on the Preston Park Sustainable Community Non-Profit Corporation (PPSC-NPC) capital reserve account.
- (4) City Council consider adopting **Resolution No. 2021-78**, authorizing staff to prepare and submit of a letter of support for the SBA Community Navigator Pilot Program Grant.

g. **APPROVAL OF AGREEMENTS**

- (1) City Council consider adopting **Resolution No. 2021-79**, approving agreements between the City of Marina and various qualified firms for on-call professional services in the disciplines of planning, architectural design, landscape architecture, civil engineering, traffic engineering, environmental services, construction management and geotechnical engineering; and authorizing the City Manager to execute the agreement on behalf of the City subject to final review and approval by the City Attorney.

- (2) City Council consider adopting **Resolution No. 2021-80**, approving an amendment to the agreement between City of Marina and Formation Environmental, LLC. to provide engineering services for the groundwater sustainability planning; authorize a budget appropriation from the General Fund in the amount of \$38,000; authorize the Finance Director to make the necessary accounting and budgetary entries; and authorize the City Manager to execute the agreement on behalf of the City subject to final review and approval by the City Attorney.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS:

- (1) City Council consider adopting **Resolution No. 2021-81**, accepting the completion of the Stockade Complex Hazardous Material Abatement and Building Removal Project; and authorizing the filing of a Notice of Completion with the Monterey County Recorder's Office.

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING):

- (1) City Council consider introducing, and reading by title only and waiving further reading, Ordinance 2021-, amending Title 2 "Administration and Personnel" of the Marina Municipal Code so as to repeal Chapter 2.54 "Campaign Finance."

m. APPROVE APPOINTMENTS: None

Paula Pelot - has questions on agenda items 8h(1) and Comments for **8l(1)**. For 8h(1) so I read the staff report and I just want to understand that net amount of \$552,454, are those funds being retained by the city or do those funds have to be returned? On **8l(1)** on the campaign finance ordinance, I know this is an extremely emotional topic for people for a number of reasons but what I want to say about that is the city of Monterey has a very reasonable, much more abbreviated version of the campaign finance ordinance. It's very reasonable, the things that I think people found the most disagreeable about the existing campaign finance order ordinance, don't exist in the city of Monterey, but most important thing is that in going forward the way it's supposed to go forward. The contribution limits per individual etc is \$4900 and that was originally structured for state campaigns which are much more expensive than local campaigns and the city of Monterey has a \$500 individual or committee or you know whatever it is a pack or union limit on their on their contributions and I think that's a much more reasonable way to go. You know I noted in the last election. There were three candidates, actually I think yeah three candidates Trina Water District and city council that ran their campaigns for under \$2,000 one who exceeded it by 25. Two, who were in the, I don't know, I think it was like 18 to 22 or \$23,000 range, and one candidate who was in at about \$8,000 range so it seems to me that that 40 \$900 that's in this proposed About \$8,000 range so it seems to me that that 40 \$900 that's in this proposed package is excessive and I think it will lend to undo amounts of funds coming into campaign so I wish that you would reconsider this. Take a good look at the city of Monterey it's actually quite a good ordinance that was passed before ours. And it does not have the you know the criminal penalties and a lot of the things that people found, and even I found so disagreeable in this last campaign finance ordinance. Thank you.

Liezbeth Visscher - wanted to comment on **8l(1)** I would like to repeat my previous request to just repeal this campaign finance chapter and we light on state law. I have a suggestion that I don't know if it will be possible for the council to consider reimbursing the two council members who have been

find several hundreds of dollars each. As a result of this confusing ordinance that only has been used during the most recent campaign. I think that if they would have decided to fight the city over this. that there will be a good chance that they would have one because of several constitutional questions that can be waste. And their mistakes were not intentional, they immediately corrected it. Unfortunately, not confirmed the confusing law or ordinance, but it was totally unintentional, and they are not aware by the way that I am spontaneously, adding this request. And so, just to be short, please repeal. Thank you very much

Assistant City Attorney pulled agenda item 8l(1) for a Roll Call Vote

Council Member Medina Dirksen requested to pull agenda item 8b(1) for separate vote

Brian McMinn requested to pull agenda item 8h(1) for a short presentation

Mayor Pro-Tem Biala had questions on agenda item 8g(1) and 8g(2) – I would like it someplace in these agreements that we call attention to needing to include adherence to discrimination laws pertaining to race, gender, religion, national origin, etc. that is usually on the federal roles there with the expectation that diversity and inclusion be practice in the hiring of employees or subcontractors. Is there any way to get some kind of language? It doesn't have to be that, but some kind of language in these agreements.

Council Member Berkley requested to pull agenda item 8b(2) for separate vote

DELGADO/MEDINA DIRKSEN: TO APPROVE THE CONSENT AGENDA MINUS ITEMS 8b(1), 8b(2), 8h(1) AND 8j(1). 5-0-0 Motion Passes by Roll Call Vote

8b(1)

DELGADO/BIALA: TO APPROVE AGENDA ITEM 8b(1). 3-0-2(Burnett, Berkley)-0 Motion Passes by Roll Call Vote

8b(2)

DELGADO/BERKLEY: TO APPROVE AGENDA ITEM 8b(2). 4-0-1(Medina Dirksen)-0 Motion Passes by Roll Call Vote

8h(1)

BERKLEY/DELGADO: TO ACCEPTING THE COMPLETION OF THE STOCKADE COMPLEX HAZARDOUS MATERIAL ABATEMENT AND BUILDING REMOVAL PROJECT; AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION WITH THE MONTEREY COUNTY RECORDER'S OFFICE. 5-0-0 Motion Passes by Roll Call Vote

8l(1)

Council Member Berkley requested to postpone this item until the next meeting so she and Council Member Burnett could review the June 2, 2021 council meeting video to be brought up to speed on the discussion as they were both not in attendance at this meeting due to an excused absence.

BERKLEY/BURNETT: TO POSTPONE THIS ITEM UNTIL JULY 20, 2021. 2-3(Medina Dirksen, Biala, Delgado)-0 Motion Fails by Roll Call Vote

Public Comments

- Brian McCarthy – on this issue I'd really like to see the council get unstuck as mayor Delgado said, it certainly doesn't prevent counsel from coming back with a better local campaign finance ordinance if that's the will of the Council. I think that those council members that are concerned with having missed the meeting they certainly have two opportunities to vote no on the repeal one

tonight and one at a second reading. concern about delaying it, and I don't want to get too off topic but I'm reminded that we still don't have an MLK statue up somewhere and you know I'm just that sometimes when things aren't palatable. It seems that we delayed and delayed and delayed them and I just hope that that's not what happens with this particular repeal of the campaign finance ordinance, thank you.

- Mike Owen – Made comment about the funds raised in the County Supervisor's seat race. So, Paula's comment about this being the state law tied you know like one size fits all, which, like is totally inapplicable like if you have really small city some cities much smaller than us. \$4900 that's going to be a really significant impact for Marina, if you think \$200 was like too restrictive and actually in some convoluted way yeah like favor the wealthier people, you're talking about \$4900, like how it could not even be more, you know like advantageous for people. So, I think there's room to discuss this and, you know the election isn't until 18 months from now, So I don't see why it is so urgent to proceed. Thank you
- Nancy Amadeo – found it interesting that there seems to be concerned that two members of the council are going to try and change an ordinance that three members of the Council have already said they want, I may disagree with that point of view but allowing those two other council members to participate in the discussion, to understand what was been said they're supposed to be voting on this and they didn't participate at the last meeting. That seems a little bit odd to me that they're not that the view of the majority on the council is, they can vote or they can abstain, but they can't watch the last meeting so that they can have a clear understanding of the discussion that occurred. I do have an issue with that. if they're going to vote on it. they should have the opportunity to understand the discussion that occurred and postponing this till the next meeting, so they can watch the video, and maybe add something to the discussion that would be an appropriate thing to do when you're asking people to vote. They weren't at the meeting, and they obviously haven't had the opportunity to review the meeting so that they can make an informed vote, be it yay or nay, they should be able to make an informed vote. Thank you, Mr. Mayor
- Glenn Woodson – Echo Brian's comment that I agree that doing this to allow the other council members to review all the facts. This is an important decision for the city of Marina as we move forward, there is plenty of time to make a decision. It's important that, especially given where we're moving not only with future campaigns, but also with the potential redistricting. Need to make sure that when we make these decisions if the decision is not to just to repeal it but to modify it, that these are really decisions that the entire Council has full weight and full knowledge of because if we don't do that we run the risk of creating another mess that we don't want to repeat, thank you.
- Audra Walton – having the opportunity to review what's been said with a video it seems should be the preferred method, as opposed to reading the transcripts, that may be available in this report. I would like to give the council members an opportunity to review that and to participate fully, because it's such a big decision, if they aren't allowed this opportunity it may come back to seriously harm use later. I would be very anxious to have to vote on this if I had missed the meeting, and had problems getting a hold of the video or transcripts.
- Kenia – we should move forward with repealing it. dismayed about how the issue has been pivoted from the substance of the ordinance and its effects to whether or not you know council members had an opportunity. They're not precluded from participating; they've had knowledge of this coming forward, they've had more than a month to review it. There's also some responsibility on their part to be able to be diligent and proactive, given that it is such a critical issue as people are mentioning. It seems like a very divided issue, but I think there's clarity as to the facts and I don't think the facts are going to change this week or next week. It's important that we move forward if in the future, you want to tailor something like somebody said there's 18 months, you can go ahead

and do so. I really do hope that you move forward with it and, you know, get this over with, thank you.

- Paula Pelot – Doesn't have an issue with the current ordinance being repealed but does have an issue with is going to the State Ordinance that has this ceiling on it that is so high it's unreasonable. Noted that two council members were not in attendance at the last meeting due to medical issues. You're talking about two weeks, why not give them the chance to review it, who knows, they'll might vote with you. Commented on the \$50,000 cost associated with the city ordinance violations and why it was so high. Not oppositional to repealing this but I think you need to put in an ordinance that is easily administered just like the city of Monterey. I would hope that you would give more time to looking at the different ordinance rather than just rolling this to the state, thank you.
- Liesbeth Visscher – Wanted to make a comment that yes, only three council members are needed to make a decision. This has always been the case. Council members have been elected by the voters and for me to count the campaign finance, was one of the reasons for my vote during the last election, so thank you
- Margaret-Anne Coppernol – Think it's a procedural question on giving the two council members who are unable to have access to all the material. They have right to feel comfortable when they make their vote. I don't see any reason to propel us forward when two people might feel uncomfortable and I just think it would create a better morale on the council, if they were allowed the time that they need to look into this they've already been under the stress of the some medical emergencies. So, I think we should have compassion and consideration for them they're they're very sincere and duty oriented so I think that they would not make this request, you know, they didn't feel that they needed. Thank you.

Mayor Pro-Tem Biala Called for the Question. 1-4(Medina Dirksen, Burnett, Berkley, Delgado)-0 Call for the Question Failed by Roll Call Vote

Assistant City Attorney Rathie indicated that Council needed to vote on agenda item 8l(1) since the previous motion to postpone to July 20, 2021 failed.

DELGADO/MEDINA DIRKSEN: APPROVE INTRODUCING, AND READING BY TITLE ONLY AND WAIVING FURTHER READING, ORDINANCE 2021-, AMENDING TITLE 2 "ADMINISTRATION AND PERSONNEL" OF THE MARINA MUNICIPAL CODE SO AS TO REPEAL CHAPTER 2.54 "CAMPAIGN FINANCE." 3-2(Burnett, Berkley)-0-0 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. 2021-82**, 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 from June 15, 2021*

Council Questions: Drought resistance features? Disc golf feature and if there is sand, why sand over something rubberized? Were there any studies done about Pickleball usage? Is there currently Pickleball use anywhere else in town? Are there plans for other Pickleball places in town? Can you explain why are the funds is being spent here versus the other parks? Are the courts approximate to badminton, as well? So, we have pickleball Courts now at Sea Haven, the Dunes, Gloria Jean and Los Arboles, how many courts does that mean we have in our city or planned in our city for Pickleball? What is the history of pickleball coming to this location? What's the genesis of pickleball going to this location, and did it win out over other alternatives? Out of the meetings that you covered, obviously must have been a desire for pickleball and now there's plans for pickleball courts in multiple locations. Did that planning effort, that community outreach effort, result in the community saying we want pickleball at Sea Haven? It was mentioned that we have a minimum of 11 courts on plan and maybe more. Did the planning process results in a range of numbers of pickleball courts that would be satisfactory for the public need? Was there a time when the process suggested a number of pickleball courts that would satisfy the city's need? Have the Sea Haven residents, or have the Preston or Abrams Park residents lobbied at all for pickleball, or anything else that's may not be in the plan right now? Do you expect that the use of roller sports like roller skating, hockey, tricycles activities that Bianca referenced, are they going to be allowed and encouraged on that pickleball course or are they going to be signed to prohibited as they are at our tennis courts on Reindollar Avenue? Los Arboles Pickleball courts are in terrible shape and it would cost quite a good chunk of change to renovate them, is that correct? Do you see a Pickleball League in Marina's future? Why is the Disc Golf Course so small if the sport is very popular? Were the locale Disc Golf clubs contacted? If we decide not to allocate the money, is that something that then the developer is absolved from ever building that and what happens to that land? Are there any legal obligations on either side about this?

Public Comment:

- Jean Rasch – You're doing so many things that are right and Monterey did a lot of things that were wrong. You have a new area that you're developing from the ground up. So yes, the economics of scale on initial development are real and attractive and you have a large area with lots of open space that's a huge advantage if you're hosting pickle ball. You are involving citizen comments for years in addition to tonight and continuing dialogues that's a huge advantage. You ask if pickle ball is popular? Pickle Ball is wildly popular. From what I understand you have the size of one tennis court, Monterey has two. So, I think, at most, you're going to get 16 players, which, in a park that size should be manageable. I would just encourage you to think about whether you want to mandate the softer volume walls and also encourage you to communicate with the Monterey Bay Pickleball club and see how you can all intertwined. Thank you
- Zinnia Kilkenny – One of my concerns with the park is that the restroom will provide cover for crime and that is a big issue in Sea Haven and will also provide cover for the unhoused community in Sea Haven, this thought is equally supported by the law enforcement in the neighborhood. Has the impression that the water costs are going to be passed on to Sea Haven residents and thinks it needs to be clarified a little bit more amongst the residents in Sea Haven. Could we consider not having grass at all and, including the roundabouts because there will become a time when the grass will be left to go brown at some point because California is in a drought and who knows how long

we're going to be keep coming across that issue. Thinks 11 pickleball courts at Sea Haven seems like a lot, and instead of maybe putting a pickleball court into the park, perhaps that money can go to upgrade the restaurants and upgrade the stores.

- Denise Turley – So, I'm wondering what's being planned there? Is there a men restroom and women's restroom? Is there a family restroom? What happens if one is broken down? Can you tell me how many miles you would have to drive from that park to use the restroom if there wasn't a restroom there? For the courts and things like that. So, you've got Group A that comes to an area that designated volleyball, and 15 riding tricycles and then 15 minutes later a group comes that actually wants to play volleyball. So, this Group B get the correct kick out Group A because they're doing a non-designated activity? Will rules be posted?

9:58 PM

BURNETT/DELGADO: TO CONTINUE TO COMPLETION OF THIS ITEM. 5-0-0-0 Motion Passes by Roll Call Vote

- Mike Owen – Recommends when you make a motion is to emphasize Coast Live Oaks in the tree planting there, and there's four reasons to do that. (1) Marina Design Guidelines and Standards (native flora should be given preference over traditional ornamental spaces); (2) Marina Arbutus is already a dominant street tree planted in that area and there needs to be some variety; (3) right across from the park on Imjin, approximately 264 Coast Live Oaks are designated to be cut down when the Imjin Road Widening Project begins so that's a tremendous loss of native Coast Live Oaks; (4) the 2004 Tree Removal and Compensation Plans designate that there are about 80 trees and the last remaining undeveloped section of Sea Haven over buy Injin and California on the southwest corner 80 of these are to be relocated not removed, to be relocated and what better place to relocate trees that there Sea Haven is required to then in the Sea Haven Park. Thank you
- Sterling Woodson – Sent an email yesterday with more details regarding the park impact fee allocation to support the main park at Sea Haven. Thinks there is another option that will help the city even more. As stated in my letter as part of my future Eagle Scout project I'm working with the city of Marina Recreation Department and the MPUSD to renovate and improve the tennis court at Los Arboles school in three phases. This project has the support of the superintendent of schools for MPUSD and the city Rec Director, Mr. Terry Siegrist. While it would be great to have this done by August 2021 the reality is this major effort is planned for design and execute by spring, 2022, but going into the 7 pickleball court less than one mile from Sea Haven this doubles the number of course available and helps meet the gap in its PE program. Most importantly, it will cost substantially less than \$400,000 since this is a renovation versus new construction. In addition, I will be running a fundraising campaign to pay for the estimated 135,000 costs to build. Request the council work with the Rec Department to implement this viable alternative.
- Glenn Woodson – Not sure this is the right project for Sea Haven. Pointed out that a challenge that exists with MPUSD in the City of Marina is that MPUSD is required to teach racquet sports in the high schools and they cannot meet the current requirements as defined by the state of California. By creating seven pickleball courts at Los Arboles Park in addition to the two tennis courts that are there they are going to be able to conduct classes for 36 to 40 students at a time. That is why PK Diffenbaugh and the principals at the schools support this project and have already approved moving ahead with this. Noted there will be 15 courts across Marina excluding Sea Haven. Why do we need to have these at Sea Haven when we can actually take that \$400,000 in impact fees and use that to accelerate phase two of Gloria Jean Tate? Would like to see this continued and looked into that involves looking at this specific proposal that has already been reviewed and supported by the city recreation department.

- Joshua Peterson, Wathens Castanos Peterson Homes – I wanted to ask a point of clarification about the item on the agenda. First of all, I believe the park is already approved which concept has the pickle ball has a future funded item. I know there's been a lot of discussions about adjusting those two different programming, which I don't think is on the agenda is not being voted upon tonight. The second item is the additional bathroom which I think was the original plan question by a previous council member and so tonight, I'd like to ask for just a clarification on the opinion of the Council on the approved part, and whether or not we're simply voting on the addition of a second bathroom, and whether or not the city wants to fund the additional crypto wall course only. And then also, I'd like to add in what is the funding mechanism of that people walk forward as the developer is not willing to provide more credits as a mechanism of funding, and those are my only comments. Thank you.
- Rebekah Paxton – The park in consideration is right across the street from my home and while residents support the addition of the amphitheater over half the residents strongly disagree the addition of the pickleball and see it as a tremendous noise nuisance. Demographic wise pickleball would be poor financial decision and ask that you would consider either a tennis court or no courts at all and use the space to preserve native plants or grass field, which promotes football soccer and picnics. The city tennis courts that we do have are completely run down and unkept. Sea Haven residents are working on creating a golf club for Sea Haven because most residents play golf rather than disc golf. Would rather see a nine-hole course than anything else or a putting green than a recreation piece that does not support the community whatsoever. No thought or studies were done on the demographic of marina residents and where investments would be better suited and a logical statistical manner. Thank you
- Nancy Amadeo – Recently learned what Pickleball was by reading a news article. Concerned about the city maintaining our parks. We have funding to build parks, but do we have the funding to maintain them? Would hate to see an amenity, an expensive amenity to go into something that we have not adequately set money aside in a program like we do for police cars and fire engines now. To put that into parks for the maintenance, and that includes things like resurfacing tennis courts or pickleball courts replacing nets, replacing playground equipment, upkeep picnic tables, park benches, pads, the trails that run through a park they all have to be maintained. We do not have the appropriate staff in public works for that maintenance but I'm not sure we have the budget. I would like to know if the budget is there to support the maintenance of these parks prior to you supporting the spending of money to put in new amenities? Is maintenance money going to be put aside in our budgets every year, so that we don't have the continued deterioration of our older parks and new deterioration of our new parks? Thank you
- Jay Zwagerman – I happen to be a USAPA. Pickleball Association, Pickleball Ambassador for the Monterey Peninsula. People underestimate the growth of pickleball, it's really growing fast. It has an age range of 9 to 91. As far as noise Yes, that is an issue but there's a couple of things besides a softer ball. There are quiet paddles. One of the negatives tennis is much better and handling wind, then pickleball. The ball moves around. But I see a positive thing because, you know, kids can go play and learn right away. When I watch the Via Paraiso or I go by it frequently, because it's close. it's either empty or pickleball players are on it, more than tennis players. The one thing I would advise, when you think about handling pickleball don't think like a tennis player, don't think game set match, pickleball is played differently, it's much more social.
- Karen Andersen – Agree with the developer we only need one bathroom, but it will be great to have a bathroom there. Agree with Mike Owen, that some of the tree's choices could be better Particularly, that Marina Arbutus that drops a lot of fruit, it's messy, so let emphasize the native plants. I also want to really support our earlier speakers Sterling Woodson at with his Eagle Scout project. He is pulling together the Monterey Peninsula Unified School District leaders at Los

Arboles and redeveloping a pickleball courts there, and that would be a great place to use some of the impact fee because we be expanding facilities, even though they're in an existing Park. trikes and other wheeled things like skateboard really don't enhance the experience of court users, whether it's tennis or for pickleball or basketball. So, thank you very much.

- Paula Pelot – This \$400,000 in funding, is this money that we've already set aside? Is this funds that come out of the city or is there a developer contribution to that? Agree with a lot of the remarks that have been made so far in terms of maintaining this, that's one of the concerns I have What are the maintenance costs, specific to this particular item of the pickleball courts? Is it an unusual maintenance that we're going to have to try to support? Are there any added insurance liabilities that we must pay for, as it being a more active type of sport on a court? One of the things that I know that Nancy had mentioned had to do with the maintenance of other parks and things that are deteriorating like what happened to the Preston Park Sports parks. They were removed and never replaced. Concerned about the entry to Trail 11 not being paved like all the other trails. You have to listen to the concerns of the people who are immediately there and the residents all around the park and their concerns about criminal activity and noise, it's really important. Thank you very much
- Grace Silva-Santella – Looking forward to learning pickleball and very excited that this is a recreational activity coming to Marina. Council speak often about activities we're bringing to our town the most recent being the railroad cars, the pump track, trying to ensure we continue to have roller sports, the Marina Equestrian Center all being regional draws so why not add in pickleball to that? If you decide to include the pickleball and the expenditure for pickleball at the Sea Haven Park, it's important that we reevaluate the number of courts that are being proposed at other parks here in Marina. Hopes that there's going to be some discussion with this eagle scout project that's been planned and there's discussion with the city speaking with MPUSD to provide some funds for the resurfacing of the pickleball courts at Los Arboles. For the Sea Haven resident who suggested no bathrooms at the park, bathrooms are absolutely essential to a park, especially a park, this size. also agree with other speakers who say that we have to be absolutely certain that we have sufficient funds to maintain not only new parks, but our existing parks. Thank you very much.
- Brian McCarthy – A couple months ago I shared with you concerns I was hearing about noise and I thought what I heard from the dais or from staff was that noise wasn't really an issue and now we're hearing all these noise concerns, even the gentleman that was a member of the Pickleball Association kind of acknowledging this concern. There's a lot we don't know about pickleball and it's important to acknowledge and recognize that. Echo's Nancy Amadeo's comments about the long-term maintenance plan and asked council to consider in the future a resolution that no new infrastructure, in particular, park infrastructure be implemented without a thorough and fair analysis on the long-term maintenance of that infrastructure. Sterling really seemed interesting and I hope that regardless of what happens tonight that that letter is looked at carefully and reviewed because I was very intrigued by what he had to say. Commented about the human defecation at Locke Paddon Parks and then around the lake and then at Los Arboles. The need for bathrooms at parks is a must. Thank you

BERKLEY/BURNETT: THAT WE HAVE RECEIVED THE PRESENTATION, AND THAT WE ADOPT THIS RESOLUTION NO, 2021-82, AND THAT WE APPROVE THE ALLOCATION OF \$400,000 IN THE PARK IMPACT THE FUNDS TO THE ADDITION OF PICKLEBALL COURTS, WHICH ARE BEYOND THE DEVELOPERS FUNDING COMMITMENT FOR THE PARK, AND THAT WE AUTHORIZE THE FINANCE DIRECTOR TO MAKE NECESSARILY ACCOUNTING AND BUDGETARY ENTRIES.3-2(Biala, Delgado)-0-0 Motion Passes by Roll Call Vote

Council Member Berkley Called for the Question. 2-3(Medina Dirksen, Biala, Delgado)-0 Call for the Question Fails

- b. ~~City Council and Corporation Board consider adopting Resolution No. 2021 and Resolution No. 2021 (NPC), approving the approving the Abrams B Housing Area Budget for FY 2021-2022; and authorizing Finance Director to make appropriate accounting and budgetary entries. *Continued to July 20, 2021*~~
- c. ~~City Council and Corporation Board consider adopting Resolution No. 2021 and Resolution No. 2021 (PPSC NPC), approving the Preston Park Sustainable Community Non Profit Corporation Preston Park Housing Area Budget for FY 2021-22; and authorizing Finance Director to make appropriate accounting and budgetary entries. *Continued to July 20, 2021*~~
- d. Covid-19 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 11:55PM

ATTEST:

Anita Sharp, Deputy City Clerk

Bruce C. Delgado, Mayor