



MINUTES

Tuesday, August 3, 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 (d) of CA Govt. Code Section 54956.9: City of Marina v. A Taste of Elegance, LLC, Monterey County Superior Court Case No. 21CV001554."

- 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

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 at 5:00 pm on the two matters listed on the agenda. With regard to both items Council received information, gave direction and no reportable action was taken.

Mayor Delgado announced a change in the agenda. Marina Station has been pulled from tonight's agenda will not be heard. This is a request by the developers and will be continued to a date in September.

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

5. **SPECIAL PRESENTATIONS:**

- a **Police Life-Saving Awards**
- 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.*

- Karen Hassan – It's been amazing to watch what the Equestrian Center under the MEAs management has done in the last few months as they've rallied to retain control. Could you imagine if they had done this 20 years ago what you would have now? Reiterated her comments from the July 20th council meeting. It's, it's unfortunate the way that all of this has gone, it didn't need to go this way. I'm only involved because I was concerned about the facility, and the reluctance to do anything with it. A year ago, there was nothing that you were reporting on the Equestrian Center, and now you report on it at every council meeting. Feels like your requirement or your obligation as council members are to inform the public, and you have just gone along with

the MEA's lies in the cycles that they have done this being the fifth cycle to retain control of the property. If you would have just embraced the deed 20 years ago who knows what it could have been for all of your citizens. As someone who only spoke up for the welfare of horses, the condition of the property and public access, we have had attacks of every kind for speaking out, and you know what we're not the first ones were just the latest in this room. Thank you for your time.

- Mike Owen – Regarding the last meeting MLK agenda item. I want to thank the mayor for addressing my concerns. Thank the city attorney for his clarification of the ADA issues, thank the city manager for his reassurances about the location of the future Civic Center, and thank Terry for his thoroughness, and thank Grace and Mayor Pro Tem for their site recommendations. I think Candy would be happy. Commented on Mayor Delgado's history in public office and also commented on the selection/interview process for commission seats and noted that this is a very fair and balanced process, of which we can all be proud and confident that our most qualified applicants will be selected. Thank you very much.
- Hans Ongchua – Commented on the matter of the Monterey-Salinas Transits proposed surf bus way but and the lawsuit recently filed by Keep Fort Ord Wild and the Open Monterey Project. The lawsuit filed by Keep Fort Ord Wild, and The Open Monterey Project would if successful, force Monterey-Salinas Transit compile a full, EIR under the California Environmental Quality Act, also known as CEQA. Asked the council to support this lawsuit or at the very least, neither impede nor interfere with it in any way. An EIR would strongly serve the interests of our environment and of our city. The lawsuit effectively argues that this project is not exempt from CEQA. Need to ensure that all alternatives to it have been thoroughly considered. Thank you
- Larry Moonan – Looking forward to hearing that the Marina Sports Center, former Water City facility is once again open and being run in a transparent, inclusive manner that is promoted to the youth of Marina. The facility has a positive economic impact for the city and the peninsula. Understand work needs to be done and hopes it's underway in terms of clearing the red tagged items. A lot of people are waiting for the facility to reopen so they can enjoy roller sport activities again. Informed the council that we're ready and able and willing to make this all happen, and I think it'll be two to the benefit of everybody in the area. Thank you
- Grace Silva-Santella – Thanked Chief Nieto for the presentation. Reiterated her comments from the July 20th council meeting on the MST Bus Surf Line. Asked Council if they will be taking an official position in the support of the lawsuit filed by Keep Fort Ord Wild and The Open Monterey Project require MST to complete a full EIR on the Surf Bus Line project. This bus line will do nothing to reduce all construction related vehicles, including employees and suppliers and subcontractors. It will do nothing to reduce the service industry vehicles, landscaping vehicles, employees of Ryan Ranch or the parent driving children to school. If you could just answer that question, I would greatly appreciate it, thank you.
- Mike Kennedy – Previously expressed my concern that the proposed surf bus lane long Marina's coastline. It's extremely destructive to our native habitat will morph into much more than the six miles of asphalt for the roadway. The Carmel Pine Cone recently published a rendering of the huge maintenance facility that will be built in Marina adjacent to the Fort Ord Dunes State Park to accommodate the buses. Concern that this maintenance facility for the surf lane is just a foot in the door. Asked the city council not to support this albatross around Marina's neck. At a minimum, and EIR should be completed. Thank you,
- Margaret Davis – Thanked Hans and Grace for their words regarding the need for a full EIR for the bus way beside our recreation trail and encourage the council to follow through on the points that they made. Commented on the time in which that last council meeting ended and protested that extending meeting past 10:30 pm is depriving the public the ability to participate. People can't be

asked to wait until 12:00 o'clock, 1:00 o'clock in the morning to participate in a city council meeting. No council member or staff should be subjected to an eight-hour meeting after an eight-hour day. Please end this practice, it is a denial in very real terms of public participation. Thank you.

- Council Member Medina Dirksen – Spoke about seeing so many people out and about our residents, as well as tourists, including myself having some family from Mexico going out on their own time cleaning up. Thanked the Mayor for leading the effort, it makes a difference to see our town clean, just supplementing what our public works were able to do. Asked for clarification on if the last meeting went to 1:30am, as suggested by Ms. Davis.
- Mayor Pro-Tem Biala – Spoke about the new removal of the moratorium on evictions and stressed that there is still rental assistance available for the public through the County and United Way Monterey County. Financial assistance is eligible for tenants who are unemployment and loss of income due to Covid-19. Tenants may have formal or informal lease agreements, and they have to be at or below 80% area median income for Monterey County. Flyers are posted on the city's website in five different languages. This program also benefits landlords. Thank you
- Council Member Berkley – this coming Saturday August 7, there is going to be a fundraiser for Pablo de Mar, who are working with full family recovery communities and people in recovery, and it's going to be a central coast indigenous tribe event. You are welcome to just come spend a day there's going to be dancers and drummers and some food and they're doing a raffle for a brand-new TV. The event is being at 3043 MacArthur drive in Marina, and it's going to be from 12 noon until 5pm and I really hope to see you all there. Thank you. Announced the eviction moratorium. It's been extended until October 3rd; center for disease control and Tuesday issued the moratorium on evictions targeting areas of the country with high levels of Covid transmission, extending eviction banned for much of the nation that applies to counties experienced significant levels of virus spread defined by the agency has 50 to 100 cases per 100,000 people.
- Mayor Delgado – On Monday and Thursday nights the American Legion post 694 has dinners that are cheap delicious, and it's just a good way to fundraise and support the American Legion. Dinner starts at about 530pm. Thanked the volunteers for coming out Sunday, July 25th to clean up the oak woodlands and Maritime Chaparral between Carmel Avenue and Reservation Road. On August 2nd Volunteers came out including Councilmember Christina Medina's daughter, and they cleaned up the on ramps to highway one where the bridges from overpasses off of Del Monte Boulevard when you pick up speed and get onto highway one. Next cleanup is August 8th from 10am to 12:30pm, we'll meet at the junction of Lapis road and Del Monte Boulevard. Hilltop Park is a park planned on the sand dune in between Eighth and Ninth streets, just east of Second Avenue and is planned to have a lot of locally native vegetation and volunteers are still busy every week, collecting seeds of many species, growing plants from those seeds and storing seeds, so that all the plants and the seeds can be given to for free to the developer, and we're looking forward to this coming rainy season where we can do some trial seedings and some trial plantings. Thank you to the volunteers who come out every Wednesday and Friday. Shout out to the Clark family. They are from down south in Ventura County and they have brought to us the once in a lifetime opportunity to ride under your own power The Marina Railroad from Palm Avenue, all the way down into the one-mile circle balloon loop and then back to Palm Avenue. Cost is \$155, sponsorship funding available. And if you need or want to use some of the sponsorship funding so that it's more affordable to you. Just call me a to 277-7690
- Council Member Burnett – The eviction moratorium is a State program. President Biden allowed the national program to expire on Friday, citing he believed insufficient authority to extend the moratorium beyond the weekend. However, the states are free, and the county is free to, and I guess the city is also free to adopt a moratorium. I would encourage citizens to write to their

administrator ours is Wendy Askew and also to our governor, urging them. These are desperate times, and there are many people who are being impacted by the evictions. There's funds that have been given to the state that have not been dispensed, and that to me is just unacceptable. So, I just wanted to clarify that this is a this is a state program.

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 98080-98164, totaling \$584,360.76
Successor Agency Accounts Payable Check Number 69, totaling \$2,756.09
 - b. MINUTES:
 - (1) July 7, 2021, Regular City Council Meeting
 - (2) July 13, 2021, Special City Council Meeting
 - c. CLAIMS AGAINST THE CITY: None
 - d. AWARD OF BID: None
 - e. CALL FOR BIDS: None
 - f. ADOPTION OF RESOLUTIONS:
 - (1) City Council consider adopting **Resolution No. 2021-88**, Rejecting bids received for the City of Marina Airport Building 533 Exterior Improvement project, and approving re-advertising and call for bids for the City of Marina Airport Building 533 Exterior Improvement project.
 - (2) City Council consider adopting **Resolution No. 2021-89**, approving the Designation of a Portion of Lot 25 as shown on the Phase 2 East Final Map as California Avenue Right of Way.
 - (3) City Council consider adopting **Resolution No. 2021-90**, approving the creation of public utility easements on City properties and within Specific Plan boundaries of The Dunes on Monterey Bay development project subdivision (formerly University Village) subject to the technical approval of the legal descriptions by the City Engineer; and authorizing the City Clerk to record certified copy of resolution in the Monterey County office of the County Recorder.

- g. APPROVAL OF AGREEMENTS: None
- h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None
- i. MAPS: None
- j. REPORTS: (RECEIVE AND FILE): None
- k. FUNDING & BUDGET MATTERS: None
- l. APPROVE ORDINANCES: None
- m. APPROVE APPOINTMENTS:
 - (1) ~~City Council consider appointing to Recreation and Cultural Services Commission: Sheila Baker. 1 Seat expiring February 2023. Pulled by Mayor Delgado, becomes agenda item 11a~~

Mayor Delgado requested to pull agenda item 8m(1) for discussion.

BIALA/BERKLEY: TO APPROVE THE CONSENT AGENDA MINUS 8m(1). 5-0-0-0 Motion Passes by Roll Call Vote

9. PUBLIC HEARINGS:

- a. City Council open a public hearing and take testimony from the public on extension of Marina Station Development Agreement.
 - i. Approve Resolution 2021-, approving Assignment of Development Agreement related to the Marina Station Project to 3rd Millennium Partners.
 - ii. Introduce Ordinance 2021-, read by title only and waive further reading approving the First Amendment to the Development Agreement related to the Marina Station Project.

Public Hearing continued from July 20, 2021

Public Hearing continued to a date to be determined in September 2021

- 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 appointing to Recreation and Cultural Services Commission: Sheila Baker. 1 Seat expiring February 2023. ***Pulled by Mayor Delgado, was agenda item 8m(1)***

Council held a discussion on the appointment process and the merits of the scoresheet.

MEDINA DIRKSEN/BIALA: THAT WE ACCEPT THE APPOINTMENT OF SHEILA BAKER TO THE RECREATION AND CULTURAL SERVICES COMMISSION WITH A TERM EXPIRING FEBRUARY 2023. 3-0-2(Burnett/Berkley)-0. Motion Passes by Roll Call Vote

Public Comments:

- Mike Owen – Commented on the Commission appointment process and the reasons the scoresheets were created.

- b. City Council consider adopting **Resolution No. 2021-91**, authorizing the City Manager to enter into an agreement modifying the Below Market Rate Housing Implementation Agreement with Marina Community Partners regarding Workforce Homes, and requiring Marina Community Partners to pay a Housing Program Fee in-lieu of following certain administrative requirements and directing the City Manager to develop a program for use of such fee that provides homeownership opportunities for low, moderate and workforce households. *Continued from July 20, 2021*

Council Questions: What happens in the case of default? From historical concept, how did we get here, where did this come from? Is it something we must do? What is the incentive, if the price is the same for a market price housing versus workforce housing if market conditions are what they are, which is out of our control to be able to set a price and meet the original intent of this agreement? The first Implementation Agreement was back in 2007, 2008, correct? And the original idea was 10%? So, that would equate to 123 Workforces homes, correct? Council and MCP entered into an agreement that would try to keep these houses, affordable for a select income-based income, capable group of people the low and low and very low are already covered by other programs but there really wasn't anybody or a program to address this gap between 120 and 150%, correct? The Second Implementation Agreement in 2018, did MCP ask for the reduction from 10% to 5%? So, we went from 123 workforce homes under agreement to now and agreed upon 62 homes? Would someone who was a speculator, someone who was looking to buy and flip, would they qualify in this program? Given the current market conditions, if someone is qualified for this program based on their income and assets might they be less like to afford a market rate home in another situation, another scenario? Can you identify where the \$200,000 is coming from that you mentioned? Would the \$200,000 be earmarked or set-aside and specified for this housing program that is yet to be developed? How did we get to the \$35,000 number per unit? Was there any kind of Nexus study? If we were to put together a 10-year housing program wouldn't the housing admin person being paid a \$150,000 year consume the entire \$1.6 million? Are the interest rates a critical piece to make or close the gap in our situation? Was this a staff idea, this \$1.8 million In-lieu of versus workforce or was it a developer issue? If we don't make this change and we go ahead with workforce housing units what do, we walk away with instead of the \$1.8 million? Do you think the \$1.8 million could be used to help 45 families or are we better off saying no to the \$1.8 million and make sure we help 45 families get workforce housing?

Public Comments:

- Liesbeth Visscher – How have potential buyers that currently already are on the list, been selected by Shea? What has been done to inform residents of Marina about the option to purchase a below market rate or workforce home? What can our answer be to any city residents, including those currently employed by the city when they ask how they can qualify to buy a new home in any of the developments in Marina? Will the city be able to help its residents with a proposal that's now on the table? Will they be able to help if the Fair Housing Act doesn't allow treating potential buyers from within or outside of Marina differently? Does not think that filling out more forms and needing to take care of administration is a good reason to change the original requirements. Has it been considered to simply discount 45 of the homes for eligible workforce buyers? Agree that with the current proposal the workforce households will be outbid by higher income

households. Afraid that the \$1.6 million will not be sufficient to help many people know that these moments, and even less several years from now. Thanked the council members for many of the questions and the staff and Don Hofer for trying to explain to members of the public why it will be the best option for the city and its residents to choose this \$35,000 per home option. Thank you

- Dusan Tatomirovic – If the city decides to take the money then the money should be put in an interest-bearing account of sorts, that could generate basically at the current market rate about 20% annually, which would give us the same return in interest over a course of four years so we would have a continuous supply of money, rather than using it just one time.
- Paula Pelot – The \$1.6 million is never going to be enough for home buyer's assistance. We went through this with the Ingram housing fund, we tried for years. What you're trying to do is get people in who would otherwise not be able to qualify for the mortgage for the home in the workforce housing market. That is not a sufficient amount of money, you cannot get the appropriate ratios such that they will be able to step up and purchase this workforce housing. We had \$1.75 million, and this was 10 or 15 years ago, and we were not able to execute a program, and we had all kinds of experts helping us from the housing industry, they could not do it, the amount of money that you can loan to them from that pool is not sufficient for them to be able to get a loan for a workforce housing. It just doesn't pencil out. Thank you
- Nancy Amadeo – Bought three homes over the time and in three different loan ways. It appears that the reason the city is talking about taking money as opposed to this workforce housing program is that the people who would normally be going through a workforce housing program qualify for buying the way it is now, they are on an equal footing. The workforce housing process is unnecessary and it's very expensive, you have to have people who are qualified to operate it. The city ends up receiving funds that they can use for other kinds of housing programs that is developed in our downtown in our core; It may be rental assistance housing. There's a lot of possibilities of how that that money could be used. Nobody ever dreamed interest rates would be below 10%. What I got out of the presentation is that workforce housing, really doesn't exist in the way it did in the past because interest rates are so low, they qualify for regular price housing.

MEDINA DIRKSEN/BIALA: TO APPROVE RESOLUTION NO. 2021-91, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT MODIFYING THE BELOW MARKET RATE HOUSING IMPLEMENTATION AGREEMENT WITH MARINA COMMUNITY PARTNERS REGARDING WORKFORCE HOMES, AND REQUIRING MARINA COMMUNITY PARTNERS TO PAY A HOUSING PROGRAM FEE IN-LIEU OF FOLLOWING CERTAIN ADMINISTRATIVE REQUIREMENTS AND DIRECTING THE CITY MANAGER TO DEVELOP A PROGRAM FOR USE OF SUCH FEE THAT PROVIDES HOMEOWNERSHIP OPPORTUNITIES FOR LOW, MODERATE AND WORKFORCE HOUSEHOLDS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY. 4-1(Burnett)-0-0 Motion Passes by Roll Call Vote

Substitute Motion

Burnett/Berkley: we accept staff recommendation for the housing program the elimination of the workforce housing and substitute as identified in the staff report, with the addition of directing staff to come back in November with a housing program. 2-3(Medina Dirksen, Biala, Delgado)-0 Substitute Motion Fails

- c. City Council consider receiving presentation on the Fiscal Year 2021-2022 and 2022-2023 Budget and provide further direction to staff. ***Continued from July 13, 2021 – Slide 15-16 Continued***

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 10:25 pm

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor