



MINUTES

Wednesday, September 8, 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. Real Property Negotiations
 - i. Property: The Dunes on Monterey Bay, Opportunity Phase 1A, Hotel Site
Negotiating Party: Blackridge Colorado, Petrovich S3d Partners and Cambria Hotel, Kuber Arizona, and Dadwal Management Group
Negotiator(s): City Manager
Terms: Price and Terms

- ii. Property: Building 533, Suite 1, 721 Neeson Road, APN 031-12-024
Negotiating Party: Skydive Monterey Bay, Inc.
Negotiator(s): City Manager
Terms: Price and Terms
- iii. Property: Building 535, 711 Neeson Road, APN 031-112-125
Negotiating Party: Light & Motions Industries, Inc
Negotiator(s): City Manager
Terms: Price and Terms
- b. Conference with Legal Counsel, two cases of existing litigation pursuant to paragraph (1) of Subdivision (d) of CA Govt. Code Section 54956.9: Marina Aviation, LLC v. City of Marina, Part 16 Complaint, Federal Aviation Administration Docket No. 16-12-12; and (2) 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

6:45 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

Robert Rathie, Assistant City Attorney: Council met on the matter is listed on the agenda as follows: One matter of real property negotiations. Under Item 3a(i) had to do with the Opportunity Phase 1 Hotel site. And in that matter council provided direction, and information was received and there was no reportable action taken this evening on that item. On the two other items on closed session 3a(ii) and 3a(iii) those matters were not considered this evening in closed session. Item 3b, which was two matters of conference with legal counsel on item 3b one direction was given to defend the action listed on the agenda and that direction was unanimous and direction was given to staff to initiate a civil action

- 4. **MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE** (Please stand)
- 5. **SPECIAL PRESENTATIONS:**
 - a **Jacobs Heart Childhood Cancer Awareness Month Proclamation**
 - b **Fred Aegerter Retirement**
 - c **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.*

- Nancy Amadeo – Thanked Fred Aegerter for his service to the City's Community Development Department. Commented on the sidewalk improvements between Denny's and Reservation Road. Spoke about the fire department put on a morning event in remembrance of 911 ringing the bell to mark the time when each of the towers fell, this was missed this year and hopes it will start again.
- Grace Silva-Santella – Thanked Fred Aegerter and all he has doing in the Community Development Department. Commented on her time on the Planning Commission and their work on the 2000 General Plan. Commented on the Downtown Vitalization committee work on the draft plan.
- Margaret Davis – Commented on Mayor Delgado's FPPC Form 460 and contribution from Pat Grant and Randy Goodchild and asked the attorney if mayor Delgado should recuse himself from the MEC RFP process. Concerned about potential conflict of interest and bias.
- Lindsey Berry – Thanked Terry for mentioning the free horseback lessons during Recreation Announcements and look forward to continuing the program moving forward and want to encourage anyone who may be interested to come out to the Equestrian Center.
- Council Member Medina Dirksen – Thanked staff and the community for the Labor Day activities and Soccer events. Thanked the volunteers at the car show and the movie in the park this past weekend. Spoke about the 911 memorial at the Methodist Church.
- Mayor Delgado – Thanked the volunteers who continue to come out and help with cleaning up certain areas of Marina and the sowing of plant for Hilltop Park and the community gardens next to the library. Announced cleanup events on September 12th and September 18th.
- Council Member Berkley – Commented on the Jewish holiday Rash Hashanah and explained what it means to those who don't know.
- Council Member Burnett – Reminded the public of the Recall Election. Encourage everybody to please return your ballot. It's too late to mail it, so please take it to a Dropbox or take it to the election center. so that your vote will be counted. 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. **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. 2021-96**, receiving a presentation on the Marina Equestrian Center Park; approving Chaparral Country Corporation, Inc. of Woodside CA as the most qualified respondent to the request for proposals (RFP) to provide recreational facilities and programs to the public at the Marina Equestrian Center Park; directing staff to negotiate the terms of a concession agreement with Chaparral Country Corporation, Inc. of Woodside CA; directing staff to obtain National Park Service's concurrence with the terms of a concession agreement; and directing staff to return to City Council with a concession agreement for approval. ***Continued from August 31, 2021***
- John Plant – Spoke about moving from the east coast to Monterey County and the effect it had on daughter and how the MEA helped ease the struggles she was having. Supports the Marina Equestrian Association.
- Dan Amadeo – Asked council if any of the proposals meet the requirements of the National Parks Service?
- Jamie Lima – Asked why council propose giving a community park to a for-profit corporation? Spoke in favor of the MEA and their proposal.
- Jane Minglana – Spoke about Sgt Alan MacDonald being last horse soldier at Fort Ord and keeping two stalls at the MEC in honor of her father. Commented on the history of the stables and how he and others had fought to keep them open. Opposes Chaparral's proposal.
- Heidi McGrurkin – Spoke about the need to keep the equestrian center open and free to the public.
- Stephen – Commented that the MEA has been operating the MEC without the support of the city and using their own money for repairs and upgrades. Supports the Marina Equestrian Association's proposal.
- Karen Morgan – Noted that many people have voiced concerns about the unsafe conditions and unauthorized uses of the MEC. Spoke in favor of Chaparral's proposal but concerned about preservation and protection of the military and warhorse history and the accompanying infrastructure. Suggested Chaparral partner with groups.
- Masha – Commented on the services offered at the MEC to those who can't afford horses and the trail riding programs. Supports the Marina Equestrian Association's proposal.
- Randy Goodchild – Commented on the 2012 Civil Grand Jury report. Supports the Marina Equestrian Association's proposal.
- Jeffrey Markham – Commented on the 1994 letter from the city asking for special consideration for the Fort Ord equestrian kennel and veterinary programs to be included in the proposal. Noted that the Golden Gate recreational area receive special consideration from the Department of the Interior and asked if it is possible for the city of Marina working with our US representative Jimmy Panetta similar to the special status of point raising Golden State, a Golden Gate recreation for the Department of the Interior to consider the marina Equestrian Center in a similar manner.
- Paula Pelot – Commented that sometimes her questions are not written down accurately and often don't get answered. Spoke about city completing the 1993 application to the NPS to

transfer the seven federal lands and later added the MEC to the application. Commented that a lot of people have very high emotions on how the park will be operated.

- Nichole Fisher – Noted that all the activities offered by Chaparral are currently offered by the MEA and included in the MEA's proposal. Commented on the financials of the MEA and Chaparral.
- Mike Swartz – Commented on Chaparral's proposal. Suggested the city have an equine accountant look at their financials. Spoke about people being displaced if the city to work with a corporation.
- Jake Noriega – Commented on all the great things that the MEC offers the community. Noted that his family boards at the MEC and it's a good stress reliever to parent.
- Crissela Flores – Commented on the need to operate the Equestrian center in a way that maximizes public uses while ensuring compliance with the NPS. Spoke in favor of the Marina Equestrian Association and it's members.

Mayor Delgado Closed public comments

Burnett/Berkley: to approve receiving a presentation on the Marina Equestrian Center Park; approving Chaparral Country Corporation, Inc. of Woodside CA as the most qualified respondent to the request for proposals (RFP) to provide recreational facilities and programs to the public at the Marina Equestrian Center Park; directing staff to negotiate the terms of a concession agreement with Chaparral Country Corporation, Inc. of Woodside CA; directing staff to obtain National Park Service's concurrence with the terms of a concession agreement; and directing staff to return to City Council with a concession agreement for approval.

Substitute Motion

Medina Dirksen/Delgado: that we define the term of short-term boarding and we define what public uses; that we allow the MEA to present their proposal with a caveat that National Parks Service can weigh in, regarding its compliance.

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

City Council continued discussion

Mayor Pro-Tem Biala requested an amendment to include in the original motion that "to direct staff to thoroughly vet the financial of the Chaparral Corporation

9:55pm

Delgado/Medina Dirksen: to extend meeting to 10:05. 5-0-0-0 Motion Passes by Roll Call Vote

10:04pm

Delgado/Medina Dirksen: to extend meeting to 10:15. 3-2(Burnett, Berkley)-0 Motion Passes by Roll Call Vote

10:08pm

Delgado/Berkley: to extend meeting to 10:45 pm. 4-1(Burnett)-0-0 Motion Passes by Roll Call Vote

Council Member Berkley Called for the Question and Seconded by Council Member Burnett 3-2(Medina Dirksen, Delgado)-0 Call for the Questions Passes

Substitute Motion

Medina Dirksen/Delgado: that we define the term of short-term boarding and we define what public uses; that we allow the MEA to present their proposal with a caveat that National Parks Service can weigh in, regarding its compliance. 2-3(Burnett, Berkley, Biala)-0 Substitute Motion Fails

Final Motion with Mayor Pro-Tem Baila's Amendment

BURNETT/BERKLEY: CONSIDER ADOPTING THE RESOLUTION AND RECEIVING THE PRESENTATION ON THE MARINA EQUESTRIAN CENTER; 2) WE APPROVE CHAPARRAL COUNTRY CORPORATION INCORPORATED OF WOODSIDE CALIFORNIA AS THE MOST QUALIFIED RESPONDED TO THE REQUEST FOR PROPOSALS TO PROVIDE RECREATIONAL FACILITIES AND PROGRAMS TO THE PUBLIC AT THE MARINA EQUESTRIAN CENTER PARK; 3) I WOULD LIKE TO DIRECT STAFF TO NEGOTIATE TERMS OF A CONCESSION AGREEMENT WITH CHAPARRAL CORPORATION INCORPORATED OF WOODSIDE CALIFORNIA. 4) DIRECTING STAFF TO OBTAIN NATIONAL PARK SERVICE CONCURRENCE WITH THE TERMS OF A CONCESSION AGREEMENT; AND 5) DIRECTING STAFF TO RETURN TO CITY COUNCIL, WITH A CONCESSION AGREEMENT FOR APPROVAL; AND DIRECT STAFF TO THOROUGHLY VET CHAPARRAL CORPORATION'S FINANCIALS. 3-2(Medina Dirksen, Delgado)-0-0 Motion Passes by Roll Call Vote

- a City Council consider adopting **Resolution No. 2021-100**, approving Amendment No. 1 to an agreement with Tripepi Smith for professional public outreach services in conjunction with the City Council redistricting process; and authorize the Accounting and Services Manager to make the necessary accounting and budgetary entries; and authorizing the City Manager to execute the Amendment subject to final review and approval by the City Attorney.

Council Questions: Is there any way to judge the effectiveness of the outreach to date? has there been any further discussion among staff as to the possibility of perhaps roping off, Vince DiMaggio or some public space and having some kind of public event where we would be able to have people you know properly social distance and mass? Are we engaging our business community in this plan all? Can we also ensure that we get maps and flyers and instructions to our businesses as well, in hopes that they can pass it on to their patrons? Are we using other social media channels besides Facebook? Can we save a little money if we do these in English, Spanish, Vietnamese and Korean? Who vets the language on these flyers for the non-English speaking languages?

DELGADO/BERKLEY: TO APPROVE RESOLUTION NO. 2021-100, APPROVING AMENDMENT NO. 1 TO AN AGREEMENT WITH TRIPEPI SMITH FOR PROFESSIONAL PUBLIC OUTREACH SERVICES IN CONJUNCTION WITH THE CITY COUNCIL REDISTRICTING PROCESS; AND AUTHORIZE THE ACCOUNTING AND SERVICES MANAGER TO MAKE THE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY. 5-0-0-0 Motion Passes by Roll Call Vote

Public Comments:

- Paula Pelot – Does not think it's necessary to do mailers to businesses, you have the Chamber for that and it's an unnecessary expense

9. 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.*

f. ADOPTION OF RESOLUTIONS:

- (1) City Council consider adopting **Resolution No. 2021-97**, approving acceptance of \$24,145.00 from State of California, Department of Alcoholic Beverage Control, ABC-APP Grant Program, and; authorize expenditure of said \$24,145.00 received from State of California, Department of Alcoholic Beverage Control, and; authorize Finance Director to make necessary accounting and budgetary entries, and; authorize Chief of Police to execute grant documents on behalf of City subject to final review and approval by the City Attorney.

g. APPROVAL OF AGREEMENTS

- (1) City Council consider adopting **Resolution No. 2021-98**, approving the Animal Services Agreement between the City of Marina and the County of Monterey; and authorize the extension of Animal Services with the County of Monterey effective 07/01/2021 through 12/31/2021.
- (2) City Council consider adopting **Resolution No. 2021-99**, approving an agreement between the City of Marina and Marina Coast Water District (MCWD) for the reimbursement of construction and administrative costs for Phase 3 (Slurry Seal) of the City's Annual Resurfacing Project; and authorizing the City Manager to execute the agreements on behalf of the City subject to final review and approval by the City Attorney.

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

10. PUBLIC HEARINGS:

- a. City Council of the City of Marina to Open a Public Hearing, Take Any Testimony from the Public, and introducing and Read by title only Ordinance 2021-, deleting definitions for "dwelling unit, secondary" (17.04.291) and "guest house" (17.04.380) and amending the R-1(17.06.020 and 050), R-2 (17.08.020 and 050), and 050) R-3 (17.10.020 and 050), and R-4 (17.12.020 and 050), zoning districts, removing the terms "guest house and secondary dwelling), amending 17.42.A.3.d.i to allow for accessory dwelling units of over 16' in height in certain circumstances, and 17.4.A.3.f.iii. ***Continued to September 21, 2021***

Mayor opened the public hearing for public comments.

City Council continued this item to September 21, 2021

11. 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.*

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 11:00PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor