



MINUTES

Tuesday, October 5, 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 accordance with California Government Code §54953(e)(1)(A) and (C) and the Proclamation of a State of Emergency issued by Governor Newsom on March 4, 2020, under the provisions of Government Code §8625 related to the COVID-19 (coronavirus) pandemic, consistent with recommendations by State and local health officials regarding social distancing and in order to prevent an imminent risk to the health and safety of attendees as determined in Resolution 2021-104, public participation in City of Marina City Council public meetings shall be electronic only and without a physical location for public participation until the earlier of November 4, 2021, or such time as the City Council may adopt a resolution in accordance with Government Code §54953(e)(3). 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

MEMBERS ABSENT: Lisa Berkley (Excused)
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, three cases of existing litigation pursuant to paragraph (1) of subdivision (d) of CA Govt. Code Section 54956.9: (1) City of Marina and Marina Groundwater Sustainability Agency v. County of Monterey; Monterey County Board of Supervisors; County of Monterey Groundwater Sustainability Agency; California Department of Water Resources (DWR); and Director Karla Nemeth in her official capacity, Monterey County Superior Court Case No. 19CV005270; (2) California-American Water Company v. All Persons Interested in the Validity of the City of Marina Groundwater Sustainability Agency's Sustainability Plan for the Marina GSA Area of the 180-/400-foot Aquifer Subbasin; City of Marina; City of Marina Groundwater Sustainability Agency and does 1-50; (3) City of Marina, et al. v. All Persons Interested in the Validity of the Monterey County Groundwater Sustainability Plan, Monterey County Superior Court Case No. 21CV000493."
- b. Real Property Negotiations
 - i. Property: Building 535, 711 Neeson Road, APN 031-112-125
Negotiating Party: Light & Motions Industries, Inc
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
- c. Labor Negotiations
 - i. Marina Employee Association
 - ii. Marina Police Officers Association
 - iii. Marina Public Safety Managers Association
 - iv. Marina Middle Manager Association

City Negotiators: Layne P. Long, City Manager and Employee Relations Officer

- d. Conference with Legal Counsel, one case of existing litigation pursuant to paragraph (1) of Subdivision (d) of CA Govt. Code Section 54956.9: Michael Wilson v. City of Marina, Part 16 Complaint, Federal Aviation Administration. Undocketed

6:40 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

Robert Rathie reported out Closed Session: Council met in closed session after an earlier brief special meeting. The Council received information and provided direction on the item under 3 cases of existing litigation. Council did not discuss the items under Real Property Negotiations and did not touch on Labor negotiations. Council is reserving the right to return to closed session after the open session if necessary and if time allows for Labor Negotiations. A brief report was given on Item 3d, one case of existing litigation Wilson v. City of Marina, information was given and direction provided, no reportable action was taken.

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

5. SPECIAL PRESENTATIONS:

- a Breast Cancer Awareness 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.*

- Liesbeth Visscher – Eligibility to purchase homes in one of the new developments in the city; Asked what has the city done or what is the city planning to do to inform its residents about options for Workforce, Below Market Rate or Inclusionary housing?
- Council Member Burnett – Challenge the response of our assistant city manager and city manager and characterizing the workforce housing program we voted on as being ineffectual or not working. Urge the members of the city to do their own analysis. The workforce program that was in place up until this council voted to resend it made sure that those who had a certain bracket income level would at least have the opportunity to purchase homes. They were at the housing level of prevailing cost, but their incomes were protected their incomes were selected so that they could participate. And now that is no longer true.
- Council Member Medina Dirksen – Announced the Friends of the Marina Library will have a Dad's Read this weekend. Nia Mario Gallardo who's a pastor at Ocean Rock Church will be reading to kids outside from 10:00-11:30am. Costume exchange/drop off from 9:00am-Noon in front of the playground. Let the public know that if you live on the Wal Mart side of town our mail delivery person was in an auto accident and therefore mail delivery is running slow.
- Mayor Pro-Tem Biala – Asked if there is anything that would preclude council from announcing affordable homes as they become available in Marina? Reminded everybody that, if you've had the Pfizer vaccine on or beginning September 24th, the CDC has recommended a third booster shot if you're between ages 65 and over, your residence in long term care settings, people aged 50 to 64 years with underlying medical conditions including many racial and ethnic minority groups and people with disabilities at risk of health inequities. Recommend a booster to people age 18 through 49 years with underlying medical conditions, people aged 18 through 64 who are at increased risk for Covid 19 exposure and transmission because of occupational or institutional settings.
- Mayor Delgado – Thanked volunteers that showed up to Del Monte Boulevard and Lapis road, Thanks to all the volunteers around the community. Shout out to the railroad, a hand car operation, brought to the city Marina.

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.

- a. Successor Agency Board consider adopting **Resolution No. 2021-02 (SA-MRA)**, authorizing investment of monies in the Local Agency Investment Fund (LAIF).

Paula Pelot – Does the city have a policy as to how much temporarily available surplus funds can be invested in anytime in life? How much do we currently have invested in life? And what is the rate of return?

DELGADO/MEDINA DIRKSEN: TO ADOPT RESOLUTION NO. 2021-02 (SA-MRA), AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND (LAIF). 4-0-1(Berkley)-0 Motion Passes by Roll Call Vote

- 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 98467-98529, totaling \$429,297.78

- b. MINUTES:

- (1) ~~August 31, 2021, Special City Council Meeting~~
 - (2) September 8, 2021, Regular City Council Meeting
 - (3) September 21, 2021, Regular City Council Meeting

- c. CLAIMS AGAINST THE CITY:

- (1) City Council Rejection of Claim - staff recommends that the City Council reject the following claim and direct sending appropriate notice of rejection to claimant: Michael Wilson for a claim received on September 24, 2021.

- d. AWARD OF BID:

- e. CALL FOR BIDS: None

- f. ADOPTION OF RESOLUTIONS:

- (1) City Council consider adopting **Resolution No. 2021-105**, authorizing investment of monies in the Local Agency Investment Fund (LAIF).
 - (2) City Council consider adopting Resolution No. **2021-04 (PPSC-NPC)**, authorizing change in signatories on the Preston Park Sustainable Community Non-Profit Corporation (PPSC-NPC) capital reserve account.
 - (3) City Council and Agency Board consider adopting **Resolution No. 2021-106 and Resolution No. 2021-03 (SA-MRA)**, authorizing change in signatories on

the City General, and Payroll, with Chase JPMorgan and City Local Agency Investment Fund (LAIF) accounts.

- (4) City Council and Agency Board consider adopting **Resolution No. 2021-107 and Resolution No. 2021-04 (SA-MRA)**, authorizing change in signatories on the City and Successor Agency investment accounts to open investment accounts and conduct investment activities as outlined by the City's investment policy.

g. APPROVAL OF AGREEMENTS: None

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES:

- (1) City Council Read by title only and consider adopting **Ordinance 2021-05**, 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.

m. APPROVE APPOINTMENTS: None

Paula Pelot – questions on agenda item 8b(1). Page two under Council Questions is not clear what's questions or statements. Public needs a better understanding of what was captured at the meeting. I don't know what you choose to do about it that's your business, thinks it's inadequate representation.

Mayor Delgado pulled agenda item 8b(1) so staff can work out how to present them at the next meeting

City Attorney Rathie noted that agenda item 8l(1) should be pulled for a separate vote due to being an ordinance.

DELGADO/BURNETT: TO APPROVE THE CONSENT AGENDA MINUS 8b(1) AND 8l(1). 4-0-1(Berkley)-0 Motion Passes by Roll Call Vote

8l(1)

BIALA/BURNETT: TO APPROVE ADOPTING ORDINANCE 2021-05, 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. 4-0-1(Berkley)-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. 2021-108, 2021-05 (S/A MRA), 2021-03 (NPC), 2021-05 (PPSC-NPC) and 2021-02 (MAC)**, adopting Fiscal Year 2021-22 and 2022-23 Budgets, establishing procedures for amending budget, and authorizing the Finance Director to make necessary accounting and budgetary entries.

Council Questions: What fund is designated to cover the refinancing of the Preston Park loan? Can we adjust other categories to use ARPA funds? How does that work? Is there a time of the essence on that is to do the funds are they ours to spend over the next 10 years or is it something that we have to report back to within a year or two? The National Park Service money the hundred thousand dollars. Is there any other funding that's committed from our city coffers, not from that particular unallocated that goes to the Equestrian Center? With the new concession's do we have plans to make improvements with the NPS monies that have been collected? Can you explain what the Broadband Study money is not in this budget? Do we have future projections of what is to come from the hotels, cannabis etc..? Can the Recovery Act funds be used for staffing, even the employees that were hired last year during the Covid? can go retro and say that those contribute those, those positions that we hired in the last year can contribute and we can roll in the funds for there or is that enough to cover all these unfunded positions that we've already identified? Who are our top revenue generators for Marina? Are electric stations comparable to gas stations in terms of revenue? Where do the NPS funds get generated from? When you talk about landscape/arborist new you mean landscape architect/arborist? With our delta between our revenues and in our expenditures are you concerned that if we, if we diverge another five or 10% that you know it's really going to impact daily operations? In a strict accounting notion, the budget is not balanced, because the, the reliance on non-recuperating funds, is part of this budget so and it turned to my mind to a strict strictly accounting feature where we're out of balance because we're depending upon funds that are not sustainable, correct? What is the status of Tatum's Treehouse Park? What is the total cost to fix the 26 worst streets? Is it \$10.7 million, or is it \$5.4 million? How much will the city receive for the Dunes Phase 3 takedown? Then the \$13 million, that's half of the \$26 million that we don't get, where does that go? For the BMR portion of the payment was is a ballpark estimate, you think the city will be being receiving? Is it true that our budget for two years, that we're talking about tonight is somewhere around somewhere around \$55 to \$58 million? The bridge at Imjin Parkway, that goes over highway one. Do we have to pay for that to be enlarged someday? What's the cost of doing that? Okay, so if we left the bridge alone, because it's \$100 million dollar project, and instead we extended Del Monte Boulevard all the way to Second Avenue near REI and target and we had some new off ramps on ramps how much with those two projects combined cost the dumb on the extension, and the new on ramps off ramps? What is the plan for the remaining half of the \$6 million impact fees? Firefighter Shifts A,B and C - what might be a source of money and when might that source become available to make that unfunded priority, what timeline might we be able to fill that unfunded need? Do you think that a \$28 million to \$36

million bond if it was on the ballot in November 2022 could fund most of these unfunded facilities that we've been needing for a long time, if it passed? Based on a \$55 million budget, and we're kind of approximating \$450,000 as a deficit to explain that gap between revenues and expenses, can somebody confirm that this is not something to get too excited about? UUT is a voter approved process right and it in it generates money annually like once we approve it, it's not a onetime shot like a bond correct? Is there an estimate for what a UUT would bring in? How is UUT money spent? What percentage of our revenues is coming from Hotels/TOT? FORA escrow bond, are we getting \$6.5million by the end of this year? What are Council's next steps as far as directions to staff? Are there any negative ramifications to not adopting our budget in June?

Burnett/Berkley: that we reject the proposal by staff for the budget as it was identified and direct them to come back as soon as possible with a budget that is truly balanced and doesn't rely on non-sustaining funds

Substitute Motion

DELGADO/BIALA: THAT WE:

- (1) ADOPT THE RESOLUTION BEFORE US WE REAFFIRM THE COUNCIL POLICIES, WE REAFFIRM THE BUDGET IS ADJUSTMENTS AND REALIGNMENTS, WE AUTHORIZE THE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING ENTRIES; AND**
- (2) THAT WE APPROVE THE SPENDING RECOMMENDATIONS THAT ARE IN OUR STAFF REPORT ON PAGES TWO AND THREE; AND**
- (3) THAT WE DO ALLOCATE \$300,000 FOR TWO YEARS OF A LANDSCAPE ARCHITECT ARBORIST COMING FROM THE COMMUNITY IMPROVEMENT PROJECT FUNDING OF \$640,000; AND**
- (4) THAT WE DO SPEND THE ALLOCATE THE \$3 MILLION FOR DOWNTOWN IMPROVEMENTS AS LISTED IN TONIGHT'S REPORT, BUT THAT WE AFFIRM THAT A MILLION OF THAT IS INCLUDED, TO GO TOWARD DEL MONTE BOULEVARD MEDIAN IMPROVEMENTS; AND**
- (5) THAT WE DO SEEK TO FIND THE \$5.4 MILLION NEEDED OF THE TOTAL \$10.6 MILLION TO DO OUR 26 WORST STREETS TO REPAIR THOSE REBUILD THOSE, AND THAT WE LOOK TOWARD THE PHASE THREE MONEY'S COMING AT LEAST BY SPRING OF 2022 MAYBE SOONER THAT WE'VE HEARD ABOUT TONIGHT, THAT WE USE THAT MONEY TO IMPLEMENT SCENARIO FREE THAT STAFF IS PRESENTED TO US ON A FEW OCCASIONS, AS IT IS THE MOST EFFICIENT WAY TO FUND THOSE 26 STREETS; AND**
- (6) DIRECT STAFF TO COME BACK AS SOON AS POSSIBLE TO DISCUSS FUNDING OPTIONS FOR UNFUNDED STAFFING, FACILITIES, AND OTHER INFRASTRUCTURAL. 3-1(Burnett)-0-1(Berkley)**

Public Comments:

- Liesbeth Visscher – Investing in a new sports center or aquatic facility cannot be justified as long as there are traffic signs that cannot be read, playground equipment that needs replacing and unmaintained sports fields and streets. Commented on council considering annexing other areas. Suggested increasing safety on Imjin Parkway at the Third and Fourth Avenue intersections. Hopes city can come up with additional income to make sure staff members can stay employed by

the city. What is the status of the complete inventory that the city of Marina needs for a long-term maintenance plan?

- Chad Hutchins – Let’s get this budget passed tonight and get moving forward as a city. Would be terrible to send staff back again to go and change direction again after they've done so much hard work. Supports passing the budget tonight.

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 10:40pm

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor