



MINUTES

Tuesday, October 19, 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 (Arrived at 7:43 pm), David Burnett, Lisa Berkley (Arrived at 9:00 pm), 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. Labor Negotiations
 - i. Marina Employee Association
 - ii. Marina Professional Fire Fighters Association

- iii. Marina Police Officers Association
- iv. Marina Public Safety Managers Association
- v. Marina Middle Manager Association

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

- b. 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.
- c. Conference with Legal Counsel - anticipated litigation, significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 – two potential cases
- d. 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

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 this evening on two of the items listed on the agenda. That was one of three items 3a and 3b labor negotiations and also conference with legal counsel on matters of existing litigation. There was discussion, and information was provided. There was direction provided by the Council, but no reportable action was taken this evening either one of those matters. Council did not meet or discuss item 3c or 3d. however, the intention is now to return to close session after the open session this evening.

- 4. **MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE** (Please stand)
- 5. **SPECIAL PRESENTATIONS:**
 - a **Red Ribbon Week 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 – Commented staff recommendation to dissolve the tree committee last year and assign the duties to the Planning Commission and the final motion of Council April 21, 2020 and asked if there has been any progress made on addressing modification to Chapter 17.6 and Chapter 17.56? Asked if staff had a chance and examining the DRB and the Tree Committee ordinances, to separate identify the SB330 duties involved and the non SB330 duties?
- Peter Le – Noted he was still waiting for a response from Council and the City Manager on his questions submitted via email related to the Fire Study?
- Brian McCarthy – Echoed the comments of previous speaker about the Tree Committee and DRB. Urged Council and the city manager to make staffing issues one of the number one priority. As a planning Commissioner the absence of the tree committee and the Design Review Board make our job much more difficult; there's a lot of interest in individuals that would be interested in serving on those committees, and I hope the city really takes a hard look at it reviving them sooner rather than later.
- Tommy Bolea – Asked if Andrew Cir in on the street repair list. Commented that with the right trimming and cleaning up the Cypress trees in Cypress Knolls could look good and should be left alone. Commented that Marina is growing too fast for the limited staff on board. Commented on raising taxes but there's no activities to do in Marina and having to travel to Monterey to visit a clean beach.
- Council Member Burnett – Wanted to make sure there was some commitment from staff to respond to Peter Le's questions which were submitted two weeks ago, and that Council be copied on the response.
- Mayor Delgado – Thanked all the volunteers for what they are doing for Marina. Noted another Eagle Scout project was completed by David Rodin last week at the Oak Woodland Community Garden next to the Marina Library; Announced the next volunteer event will be held on Oct. 30th from 9:00am-1:00pm next Oak Woodland project; Commented on the Car Show that was held at Vince DiMaggio Park last weekend which was hosted by the Marina Rotary Club. Thanked the Marina Public Works crew for being out during the blackout that happened last night.

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 98530-98643, totaling \$469,737.96
Successor Agency Accounts Payable Check Number 72, totaling \$3,000.00

b. MINUTES:

- (1) August 31, 2021, Special City Council Meeting
(2) October 5, 2021, Special City Council Meeting
(3) October 5, 2021, Regular City Council Meeting

c. CLAIMS AGAINST THE CITY: None

d. AWARD OF BID:

- (1) City Council consider adopting **Resolution No. 2021-109**, awarding the Base Bid and Additive Alternate Bid for the Building 533 Exterior Improvement Project at the Marina Municipal Airport to Color New Company of Woodland Hills, California in the amount of \$471,900; and, authorizing the Finance Director to make necessary accounting and budgetary entries; and, authorizing the City Manager to execute contract documents and all change orders on behalf of the City subject to final review and approval by the City Attorney.

e. CALL FOR BIDS: None

f. ADOPTION OF RESOLUTIONS: None

g. APPROVAL OF AGREEMENTS

- (1) City Council consider adopting **Resolution No. 2021-110**, authorizing the City Manager to execute a Memorandum of Understanding between the City of Marina and the Marina Police Officers Association (MPOA) and authorizing adjustments to the City's Salary Schedule and Compensation Plan; and authorizing Finance Director to make appropriate accounting and budgetary entries.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE): None

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS: None

BIALA/BURNETT: TO APPROVE THE CONSENT AGENDA. 3-0-2(Medina Dirksen, Berkley)-0 Motion Passes by Roll Call Vote

9. PUBLIC HEARINGS: None

- a. City Council open a public hearing, take any testimony from the public, and consider adopting Resolution No. 2021-, approving the assignment of the development agreement related to the Marina Station Project to 3rd Millennium Partners; and the City Council of the City of Marina read by title only and approve the first reading of Ordinance No. 2021-, approving the first amendment to the development agreement related to the Marina Station Project. ***Item removed from agenda at the request of proponents***

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. 2021-111**, receiving informational presentation of the City's Storm Water Program for Permit Year 8.

Council Questions: What is our plan to balance open water, lake water with the vegetated areas of Locke Paddon Park lake? One of the pictures, the vernal ponds, it looked like there was a piezometer there that they were the big pole with the guest measurements on it. So, this was a study that was done under your, your program? Are the results of this available? Do the vernal ponds drain directly to the aquifer system? How many vernal ponds, did you study, was it 7? Is this mandated by the state? When you do trash pickup, do we do our own separate one, and we don't connect necessarily to other like save our shore efforts? The storm water system that the city enjoys does a lot to protect the environment that we all live in, how might the citizens help in supporting our system what, what are some of the bad practices that we need to stay away from, to make sure we have a healthy storm water system?

BURNETT/DELGADO: TO ADOPT RESOLUTION NO. 2021-111, RECEIVING INFORMATIONAL PRESENTATION OF THE CITY'S STORM WATER PROGRAM FOR PERMIT YEAR 8. 3-0-0-1(Medina Dirksen, Berkley)

Public Comments:

- Brian McCarthy – Asked what does enforcement of this ordinance look like especially from a discharge perspective when, when you see something that you think doesn't look right? What are citizens encouraged to do if anything and once they do what happens? Who's in charge enforcement and what enforcement actions are generally taken? Will tobacco be included in our ordinance as some point?
- Tommy Bolea – Commented that the ponds are contaminated with DDT and dredging them will bring it to the surface. Asked what's happening with that runoff from the agriculture field on the north side of Marina and do they test?

- b. City Council consider adopting **Resolution No. 2021-112**, approving Amendment No. 5 to the agreement between the City of Marina and Save the Whales of Seaside, California, to provide professional services for the City of Marina's Storm Water Permit Program; and authorizing the Finance Director to make necessary accounting and budgetary entries; and authorizing the City Manager to execute the agreement on behalf of the City subject to final review and approval by the City Attorney.

Council Questions: We used to have a lot of domestic ducks and geese in Locke Paddon and so the poor water quality of the past was not just from storm runoff but it was in situ sources, there's less fowl, there's less birds their the last several years since the pond dried up years ago, we have sign that say don't touch-stay away but are those signs still accurate and do we have any sense of change since the birds are fewer now living in the pond? is there any plan or any reason, in your opinion to plan for water quality testing institute in the pond itself? you just said that are Locke Paddon Park is the water is pretty polluted, not clean, so what are the solutions to that? Can gigantic filters be installed? what is your plan going to be within your purview to suggest a, a fix for this? Can we somehow filter all this water or is that not something that we just do? Are there pumps and equipment that can actually filter that that kind of body of water? Does it make sense in general, that we wait, and know, expect there to be years, maybe once every 15 years when that lake will go completely dry at Locke Paddon, not a not a drop of water?

DELGADO/MEDINA DIRKSEN: TO ADOPT RESOLUTION NO. 2021-, APPROVING AMENDMENT NO. 5 TO THE AGREEMENT BETWEEN THE CITY OF MARINA AND SAVE THE WHALES OF SEASIDE, CALIFORNIA, TO PROVIDE PROFESSIONAL SERVICES FOR THE CITY OF MARINA'S STORM WATER PERMIT PROGRAM; AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY. 4-0-0-1(Berkley)

Public Comments:

- Brian McCarthy – Commented about the waste (dogs, ducks and human) that flows int the storm drains and particularly Locke Paddon Park. Hopes that the stormwater management program considers that and continues to address it. Hope this city considers opening the restroom 24 hours.
- Tommy Bolea – Commented on spiked contaminations after it rains that eventually runs into the ocean; impacts the homeless are having on the lands; vehicle oil dropping on the roadways. Commented on electric vehicles and what their batteries will be doing to the environment.

- c. City Council Receive an informal presentation on options to move forward with development of an Affordable Housing Fund.

Council Questions: Can you better explain what a subsidy amount is that a gift of money to the homebuyer or what is a subsidy amount? What is “a limit on family assets look like”? Is there any way to leverage the \$1.6 million we have such as matching grants etc.? What does a “gift of public funds” look like in this scenario? Is there any responsibility on their part to repay? Is there anything that precludes us legally from having these preference categories, particularly when it comes to groups that we've identified? Do you have some ideas of programs that have worked across the country? Aside from down payment assistance. What other options have you considered besides down payment assistance? Have you reached out to the Housing Coalition or contacted them? Have looked into other kinds of the other agencies that are on the peninsula that are focused on housing, and what kind of

resources we could do with them or what kind of collaboration we could do? How far can we go in, restricting to Marina residents, some of these funds? What percentage of homes or families helped, or what percentage of the money could be specifically allocated to Marina residence, without violating the law?

Public Comments:

- Paula Pelot – \$1.6 million this is far below what a down payment assistance program a successful one is going to be able to do. Spoke about the Ingram Housing Fund, attempting to do a Down Payment Assistance Program and it did not work out because home prices were so high. What staff presented is very or overly optimistic.
- Liesbeth Visscher – Agrees with the previous speaker, \$1.6 million will not be sufficient to help many people, now or in the future. Requested that people in our area are made aware of the all the options.
- Brian McCarthy – Spoke about the need to laying the groundwork on how you make it competitive in the future (incentives, priorities and requirements).
- Karen Andersen – Affordable housing is really crucial. Suggested starter homes such as condos or duplexes/townhomes. Starter homes are the more affordable homes and that's where people start off with an attached property.
- Tommy Bolea – Thinks the idea is great and putting in a very good effort.

DELGADO/BERKLEY: THAT OUR CITY STAFF DISCUSS WITH OUTSIDE AGENCIES INVOLVED WITH AFFORDABLE HOUSING IN OUR COUNTY IDEAS THEY HAVE, THEY WOULD SUGGEST, THAT WE WOULD CONSIDER FOR THE MONEY THAT WE HAVE IDEAS SUCH AS MATCHING GRANTS, RENTAL ASSISTANCE, FIRST TIME BUYER ASSISTANCE; AND HAVE STAFF COME BACK AND WITH SPECIFIC OPTIONS THAT MIGHT BE RELEVANT FOR CYPRESS KNOLLS. 5-0-0-0 Motion Passes by Roll Call

Vote

- d. City Council discussion on reinstatement of Commissions. ***Continued to November 2, 2021***

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

- a. Monterey County Mayor's Association [Mayor Bruce Delgado]
- b. Council and staff opportunity to ask a question for clarification or make a brief report on his or her own activities as permitted by Government Code Section 54954.2.

13. ADJOURNMENT: The meeting adjourned back into Closed Session at 9:45 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor