



MINUTES

Tuesday, December 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 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 2021-118, 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

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: Dadwal Management Group
Negotiator(s): City Manager
Terms: Price and Terms
- ii. Property: Building 535, 711 Neeson Road, APN 031-112-125
Negotiating Party: Light & Motions Industries, Inc
Negotiator(s): City Manager
Terms: Price and Terms
- iii. Property Building 529 Marina Airport Restaurant 771 Neeson Road (APN 031-112-039, a portion
Negotiating Party: Joby Aero 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 our Closed Session: Council met in Closed Session at 5:00pm with regard to the matters listed. Council received information, gave direction and no reportable action was taken.

4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
 5. SPECIAL PRESENTATIONS:
 - a Jack Lundgren Retirement 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 – Thanked City Manager for responding to his questions relating to SB330, was under the impression that it only covered housing project. Commented on mayor pointed out at the last meeting all existing commission and committee positions unless they were filled within this last year are going to become vacant at the end of next month. Asked about accepting commission application to the Public Work, Tree and DRB since staff was available.
 - Amy Warren – Asked for an update on the RFP process the contracting process for the Marina Equestrian Center. Commented that the Marina Equestrian Association (MEA) is operating in the dark and attempting to continue to operate a public park, as volunteers and with no communication from the city. Announced that the MEA had an amazing fall festival that had free pony rides carriage rides and a petting zoo with over 2000 participants.

- Brad Imamura – Appreciated the services Jack Lundgren has done for the City and wished his a happy and safe retirement. Commented on systemic racism and asked council if they thought systemic racism was within our government.
- Nichole Fisher – Provided updates to the Council and public on Marina Equestrian Center's (MEC) events and activities. Also announced that the MEC will be riding through the Dunes neighborhoods between 1:00-3:00pm caroling. Asked the about the status of the RFP process and looking a Chaparral's finances.
- Jasmine Ruvalcaba – Asked council and staff about on the no left hand turn sign at the Marina Vista Elementary school, is this on private property, if not can it be removed? Asked how one would request public records and what is the response time to that request?
- Nancy Amadeo – Commented on as article in the Weekly on the length of the Marina City Council meetings. Suggested that Council place on a future agenda a policy change going back to the three minutes for public comments and that council listen to community members prior to a motion being made.
- City Manager Long – Announced that the City Council meeting of December 21st has been cancelled due to this meeting being so close to the holidays and that a Special City Council meeting will be held on December 14th. Announced that the City's new Community Development Director will start on December 20th.
- Mayor Delgado – Asked if Locke Paddon Park restrooms would be open during the holiday break. Commented on the two cleanup event that were held over the last couple of weeks between Salinas Avenue and Reservation Road and thanked the volunteers and the Public Works crew for their continued help with the cleanups. Announced the next cleanup events to be held on Saturday December 11th from 10am to 12:30pm at Lapis Road. On December 12th from 9am to 1pm will be a gardening volunteer session, outside the Marina Library. Thanked Monterey Bay Moves for coming our Thanksgiving morning with all the supplies needed so that 12 residence could have an hour of exercise in a very creative diverse way. Commented on the Thanksgiving meals that went out to people in need throughout the community. Thanked the Chamber of Commerce for having their booth at the Farmer's Market, they were heralding all the things that they're planning on doing and making their presence known.
- Council Member Medina Dirksen – Announced the Friends of the Marina Library is having a Dad's Read Santa edition coming up on Saturday, December 11th at 10am. On Sunday, December 12th there will be a collection of new jackets and unwrapped toys for all in Monterey at the Los Arboles Middle school for those in need. Thanked all the volunteers who participated in the Thanksgiving Dinners. Thanked the Hindu Temple of Monterey Peninsula for their special turkey dinner and Adam's Tent who came from Carmel who help serve at that event. Thanked the Marina Equestrian Center for the lessons they provide. Commented on the Santa Parade going through Marina over the weekend and asked that next year more information be provided to the community in advance. Announced that Compass Church celebrated their 1st anniversary here in 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.*

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 98810-98933, totaling \$597,139.64
Successor Agency Accounts Payable Check Number 76-77, totaling \$40,172.49

b. **MINUTES:**

- (1) November 16, 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. 2021-121**, approving regular City Council meeting schedule for 2022 Calendar Year.
- (2) City Council consider adopting **Resolution No. 2021-122**, accepting \$236,290 cash donation from the Annemarie Shein Living Trust, said Trust stipulated half of the \$236,290 (\$118,145) be directed to the Police Department, and half (\$118.145) be directed to the Fire Department, and; Appropriating the unanticipated revenues to the FY 2021-22 Police Department Budget and Fire Department Budget for purchase of equipment or program funding specific to the Marina Police Department and Fire Department to enhance City of Marina public safety, and; Authorizing Finance Director to make necessary accounting and budgetary entries.
- (3) City Council consider adopting **Resolution No. 2021-123**, approving Mayor's 2022 recommendation for Mayor Pro Tem and City Council member assignments to various Committees/Commissions/Boards.
- (4) City Council consider adopting **Resolution No. 2021-124**, approving Participation in the Nationwide Opioid Settlement Litigation with McKesson, Cardinal Health, AmerisourceBergen, and Janssen Pharmaceuticals, Inc.; and appointing the City Manager as the City's Authorized Representative and Authorizing the City Manager to Take All Reasonable and Necessary Actions.
- (5) City Council consider adopting Resolution No. 2021-, authorizing expenditure of American Rescue Plan Act Funds. ***Agenda item pulled by staff.***
- (6) City Council consider adopting Resolution No. 2021-, authorizing city staff to send letter to Association of Monterey Bay Area Government (AMBAG) regarding Regional Housing Needs Allocation number.

g. APPROVAL OF AGREEMENTS:

- (1) City Council, Board of Directors Abrams B Non-Profit Corporation, and Board of Directors Preston Park Sustainable Community Non-Profit Corporation consider adopting **Resolution No. 2021-125, and Resolution No. 2021-05 (NPC)**, approving Amendment No. 3 to the Amended Management Agreement Between City of Marina, City of Marina Abrams B Non-Profit Corporation, and Greystar California, Inc. for Abrams B Housing Area, and authorizing City Manager/Executive Director to execute Amendment No. 3 to the Amended Management Agreement on Behalf of the City and the Non-Profit Corporation subject to final review and approval by the City Attorney/Non-Profit Corporation Legal Counsel; and adopting **Resolution No. 2021-126 and Resolution No. 2021-07 (PPSC-NPC)**, approving Amendment No. 3 to the Amended Management Agreement Between City of Marina, City of Marina Preston Park Sustainable Community Non-Profit Corporation, and Greystar California, Inc. for Preston Park Housing Area, and authorizing City Manager/Executive Director to execute Amendment No. 3 to the Amended Management Agreement on Behalf of the City and the Non-Profit Corporation subject to final review and approval by the City Attorney/Non-Profit Corporation Legal Counsel.
- (2) City Council consider adopting **Resolution No. 2021-127**, authorizing the City Manager to execute a Memorandum of Understanding between the City of Marina and the Marina Professional Fire Fighters Association (MPFFA); authorizing adjustments to the City's Salary Schedule and Compensation Plan, and; authorizing Finance Director to make appropriate accounting and budgetary entries.
- (3) City Council consider adopting **Resolution No. 2021-128**, authorizing the City Manager to execute a Memorandum of Understanding between the City of Marina and the Marina Public Safety Management Employees Association (MPSMA); 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:

- (1) City Council consider adopting **Resolution No. 2021-129**, accepting the dedication of Public Improvements as shown on the approved Junsay Oaks Improvement Plans, and; authorize the City Clerk to release bond securities, and; authorize the City Clerk to accept a warranty bond, and; authorize the City Clerk to record acceptance with Monterey County Recorder's Office.
- (2) City Council consider adopting **Resolution No. 2021-130**, accepting the completion of the City of Marina Annual Street Resurfacing 2021 Phase 1: Flower Circle Reconstruction Project as complete, and; authorizing the filing of a Notice of Completion with the Monterey County Recorder's Office.

i. MAPS: Nonej. REPORTS: (RECEIVE AND FILE):

- (1) City Council consider adopting **Resolution No. 2021-131**, receiving and filing the fiscal year 2020-2021 on the collection and use of mitigation fees for new development impacts.

- (2) City Council consider adopting **Resolution No. 2021-132**, receiving and filing the 2022 Information Report on the adjustment of mitigation fees for new development.

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING):

m. APPROVE APPOINTMENTS: None

City Manager pulled agenda item 8f(5) from the agenda, to be heard on December 14, 2021; and gave a brief verbal update for agenda item 8(6).

Amir Chapel had questions for agenda item 8f(2), asked council to make sure police department did not make purchases from the 1033 Program.

Nancy Amadeo commented on 8f(3), noted that she really enjoys serving on the Mosquito Abatement District board hope Council will choose her again.

BERKLEY/BIALA: TO APPROVE THE CONSENT AGENDA MINUS AGENDA ITEM 8F(5), AND WITH CORRECTION TO 8(F) 3 APPOINTING NANCY AMADEO TO THE SALINAS VALLEY NORTHERN MOSQUITO ABATEMENT DISTRICT. 5-0-0-0 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. 2021-133**, authorizing the City Manager to give an option exercise notice to Marina Community Partners to acquire the Hotel Site portion of Opportunity Site 1A in accordance with the terms of the Operating Agreement between the City and Marina Community Partners.

Council Questions: None receive

Public Comments: None received

BIALA/BERKLEY: TO APPROVE RESOLUTION NO. 2021-133, AUTHORIZING THE CITY MANAGER TO GIVE AN OPTION EXERCISE NOTICE TO MARINA COMMUNITY PARTNERS TO ACQUIRE THE HOTEL SITE PORTION OF OPPORTUNITY SITE 1A IN ACCORDANCE WITH THE TERMS OF THE OPERATING AGREEMENT BETWEEN THE CITY AND MARINA COMMUNITY PARTNERS. 5-0-0-0 Motion Passes by Roll Call Vote

- b. City Council consider adopting Resolution No. 2021-, authorizing the City Manager to enter into a Hotel Development Agreement with Dadwal Management Group or its designee for the development of Hotels on Opportunity Site 1a in the Dunes Development.

Council Questions: Do we have the buyback for phase two, and what kind of formula that we would be having in it? What is the size of Phase II? Are we entering an agreement or are we entering negotiations? Will Mr. Dadwal be giving a presentation this evening? Subdividing the property, is there more value to property facing the ocean versus the backside? What are the boundaries of that, that subdivision of the property? If we approve the resolution tonight, does that mean that we cannot further engage on the scope of development section, or can we approve this resolution and that later. We can put in things about the sustainability things about the design, etc.? How was the property value of \$3.6 Million determined? Was there an appraisal? What were limitations in setting the purchase price of the property? Are we under any obligation to keep to this sale price? How did we arrive at selecting this development group? What kinds of financial considerations did we compare? By some strange reason there was a default on the second phase of this two-phase project, and the city were to take back some of the land that was slated for phase two, how are we going to make sure that it's a usable piece of property, and that the configuration of the two parcels isn't such that once phase one is done phase two is not left usable? Can the LEED program be part of a bilateral agreement in the scope of the development prior to, signing off on the hotel agreement? What will be said about unions if anything in either of these documents?

Public Comments:

- Nancy Amadeo – Asked if this will be coming before the Planning Commission for review on designs, site maps etc. and if so, if any of the things being discussed tonight will be included so that the Planning Commission when we review it, we know we're reviewing what the council expected in the agreement? Also asked if we're talking about subdividing the lot into two phases for two hotels.
- Doug Yount – Thanked staff for bringing this item forward and continuing to move it forward in terms of the hotel. Excited to be working with Mr. Dadwal. Clarified for the record Marina community partners, did actually spend significant amount of time and effort and energy over several years to bring a hotel developer as required by the Disposition and Development Agreement. Then of course in 2019-2020, when Covid hit unfortunately that Hotel Group lost his, its equity investors, and it split up, we immediately went out to the market. Noted that MCP was here to assist as we can as master developer.
- Surinder Rana – Been following this project and expressed my mind on this subject earlier and glad that we've reached this stage. This hotel is a very important project for the city. Commented that Harvey Dadwal was a local and understand the local's needs. Spoke in the positive for Harvey Dadwal.
- Agha Bilal – Expressed his love for this project. Spoke about the economic benefits to the community. Noted that this is "green project" and it's a job opportunity for the local student for our both University, and community colleges.

BERKLEY/BIALA: AUTHORIZE THE CITY MANAGER TO CONTINUE TO NEGOTIATE A HOTEL DEVELOPMENT AGREEMENT WITH DADWAL MANAGEMENT GROUP OR ITS DESIGNEE FOR THE DEVELOPMENT OF HOTELS ON OPPORTUNITY SITE 1A IN THE DUNES DEVELOPMENT AND RETURN A FINAL AGREEMENT, INCLUDING LEEDS PLATINUM AND A FORMULA REGARDING THE REPURCHASE OF PHASE 2, TO THE COUNCIL FOR CONSIDERATION FOR APPROVAL. 5-0-0-0 Motion Passes by Roll Call Vote

- c. City Council hold an informational and public input session regarding the Prioritization of Conservation and Development Areas to inform the development of a Mitigation Strategy for a City-Wide Incidental Take Permit for Monterey Gilia. *Continued from November 2, 2021*

Council Questions: in the last slide you indicated that we are going to have some update or some language for the general plan, do you have that language available now? What might this update look like and if we've made any progress on that? What are the differences between the yellow and purple dots on the map? How prevalent is Sand Gilia in Marina? Does one dot on the map represent one plant? Are there other species that are really dependent on this threatened species, you know like, in the whole ecosystem that need this sand gilia or what, what is the relationship to the ecosystem that might be important? With the mitigation ratio 1:3 can we mitigate onsite or offsite of the area? Is it possible to move the sand gilia to another area like the Salinas River area where there aren't any now? Can we put mitigation areas in somebody's backyard for example? How many plants are there on average per acre? What have you found in other jurisdictions?

Public Comments:

- Fred Watson – Provided background information and history on the Sand Gilia plant which has been in Marina for a very long period. If you look at aerial photography from about 100 years ago you can clearly see patterns in the exposure of the sand that correlate exactly with where the plant is today, but hasn't moved, in the past 100 years ago. If you walk out to some of these populations that haven't been surveyed in 30 years, you'll see 30-year-old pin flags. That puts us in a situation where the best strategy for us is to try to preserve and protect in place, in perpetuity as much as possible with very few exceptions. If you just leave it alone it's extraordinarily resilient. Commented on the overall decline in the subspecies, and the specific problems with take permits and mitigation requirements.
- Jasmine Ruvalcaba – Express how much she would like this plant protected as much as possible and preserved. Asked if mitigation is needed would the city of Marina, be opened to restoring other habitats? Think we should try to conserve as much as we can, that we have.
- Nick Kite – Very interested in the mitigation of this. On the board local Disc Golf Club and our disc golf community are big environmentalists and care about our environment. Love to see the possibility of using some of these mitigated areas as multi use areas such as a disc golf course or bike trails that go through these areas but still protect them and let the community, enjoy them.
- Karen Andersen – Asked how successful have previous mitigation processes been in the city of Marina? Been out in the Salinas Avenue/Reservation Road area quite a bit and have seen those ancient pins Dr. Watson spoke about, but the issue is the people camping there are disrespectful and move the flags. Asked how is the city managing the ongoing disturbance happening in that particular spot?
- Tommy Bolea – Thinks you can develop property and still work around those native plants, especially the wildlife, it's a balancing act. Noted some areas should just be left open, kept natural.

BERKLEY/DELGADO: STAFF TO CONTINUE TO WORK WITH FRED WATSON AND TO COME BACK AND GIVE US A COUPLE OF OPTIONS FOR THE MOST EFFECTIVE WAY TO PROTECT THE GILIA, WHILE ALSO BEING ABLE TO DEVELOP IN THE AREAS WERE LOOKING TO DEVELOP.

- d. ~~City Council consider adopting Resolution No. 2021, receiving a presentation and providing comments on the updated draft report and financial analysis for the sports center.~~ ***Continued to December 14, 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 at 12:05 AM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor