



MINUTES

Tuesday, January 11, 2022

5:00 P.M. Closed Session

6:00 P.M. Open Session

**SPECIAL 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 2022-134, 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 December 16, 2022, 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: A portion of Opportunity Phase 1A “Hotel Site” at The Dunes at Monterey Bay
Negotiating Party: Dadwal Management Group
Negotiator: City Manager
Terms: Price and Terms
 - b. Conference with Legal Counsel, anticipated litigation, significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 – one potential case.
4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
5. 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.*

Robert Rathie, Assistant City Attorney reported out Closed Session: Council met this evening on the two matters list on the agenda, one matter was real property negotiations on a portion of Opportunity Phase One a known as the hotel site, Council received information and provide a direction concerning price in terms of payment. Council met on a second matter of anticipated litigation regarding exposure to litigation, which concerned a matter of the alleged default of the development agreement with the party Wathen Castanso, Peterson, and Council was provided with information, gave direction in that matter and there was no reportable action taking this evening and close session

a. ADOPTION OF RESOLUTIONS:

- i. City Council consider adopting **Resolution No. 2022-02**, regarding the Ralph M. Brown Act (California Government Code §§54950-54963, making certain findings; and authorizing the City to continue to implement remote teleconferenced public meetings of the City Council and its constituent bodies for the period January 11, 2022 through February 10, 2022.

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

6. OTHER ACTION:

- a. City Council consider adopting **Resolution No. 2022-03**, 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 Stie 1a in the Dunes Development.

Council Questions: Who pays for the infrastructure installation that’s required to be delivered to site? Exhibit C, contingency is \$1 million on a \$73 million project, is that contingency realistic? If it’s not enough how might that effect the developer or the city? Can you define non substantive changes? Do substantive changes have to be mutually agreed upon if something were to happen? When we talk about these types of conditions, are they tied to some particular national standard or scale? Why is there no CEQA review on this project? This project did not require any kind of Coastal Commission approvals, correct? Was the business traffic forecasted? Do we have the capacity in the region in the

area to have a hotel justifies 300 rooms? Map on page 43, of the parcels listed what goes into each phase? You were speaking about exceptions that are of non-substantial level the schedule focuses mostly on the responsibilities and obligations of the developer but as we all know that there is a dual responsibility because so many agencies including the city and Marina also has to process permits or inspections so is that an area where it's, it's, you know, it can be considered an exception to some of the scheduling of a non-substantial level for example, if because of something we did that we can extend? On page 27, Article 5 - are there any public city owned issues on those properties that we would have an obligation to maintain? Has staff discussed with the developer of this hotel how we can put in advance a process we will follow so that we hear about those delays, well before the final deadline?

Public Comments:

- Brian McCarthy – concerns about the hotel project with its tight timelines. Asked if there was ever any discussion about having phase one beyond on kind of maybe the non-premium lot in order to encourage the developer to actually finish the entire three hotels, as a development? Seems like that might be kind of an incentive to make sure that development comes to completion.
- Tommy Bolea – Asked if this was the same developer of the other hotel that went “belly-up” on the project? Is there anything in your current plans to, if something like that should happen again you guys have that covered. Asked about impact fees paid to the city from the Marriot.

BERKLEY/BURNETT: TO APPROVE RESOLUTION NO. 2022-03, 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 STIE 1A IN THE DUNES DEVELOPMENT. 5-0-0-0 Motion Passes by Roll Call Vote

7. ADJOURNMENT: The meeting adjourned at 7:05 PM

Anita Sharp, Deputy City Clerk

ATTEST

Bruce C. Delgado, Mayor