



MINUTES

Tuesday, February 1, 2022

5:00 P.M. Open Session
5:10 P.M. Closed 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 2022-02, 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 February 10, 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. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
4. CONSENT AGENDA: *Background information has been provided to the City Council, airport, 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.*

a. ADOPTION OF RESOLUTION:

City Council consider adopting **Resolution No. 2022-13**, recognizing a Local Emergency Persists, Re-Ratifying the Proclamation of a State of Emergency by Governor Newsom on March 4, 2020, and Re-Authorizing Remote Teleconference Meetings of the City Council of the City of Marina and its Constituent Bodies for the Period February 1, 2022 through March 3, 2022, pursuant to Brown Act Provisions.

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

The City Council adjourned the Open Session portion of the meeting and entered Closed Session at 5:07 P.M.

5. 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-Milius-Brown Act representative.*

- a. Conference with Legal Counsel – anticipated litigation, significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of CA Govt. Code sec. 54956.9 – one potential case.
- b. Conference with Legal Counsel, five (5) case of existing litigation pursuant to paragraph (1) of subdivision (d) of CA Govt. Code Section 54956.9:

(1) Appeal No. A-3-MRA-19-0034 by California American Water Company, et. al., to the California Coastal Commission over Denial by the City of Marina for a Coastal Development Permit for Construction of Slant Intake Wells for the Monterey Peninsula Water Supply Project; (2) Appeal by the City of Marina and Marina Groundwater Sustainability Agency of Monterey County Superior Court Case No. 19CV005270, 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; (3) City of Marina v. RMC Lonestar, RMC Pacific Materials LLC, California-American Water Company, Marina Coast Water District, and Monterey County Water Resources Agency, Monterey County Superior Court Case No. 20CV001387; (4) 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; and (5) 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 Labor Negotiator (Govt. Code Section 54957.6)
City's Designated Representative: City Manager
Unrepresented Employees:
Assistant City Manager

Public Works Director/City Engineer
Community Development Department Director
Finance Director
Police Chief
Fire Chief
Recreation & Cultural Services Director (vacant position)

Robert Rathie, Assistant City Attorney reported out Closed Session: The Council met in closed session on all the items listed on the agenda, one case of significant exposure to litigation regarding a notice of default received from Wathen Castanos Peterson, five cases of existing litigation, and to confer with the city manager as the city's labor negotiator in the matter of the unrepresented employee listed on the agenda. Information was received and direction was given. There was no reportable action taken during the closed session.

6. ADJOURNMENT: The Closed Session meeting adjourned at 9:05 PM

ATTEST:

Anita Sharp, Deputy City Clerk

Bruce C. Delgado, Mayor