



MINUTES

Tuesday, February 15, 2022

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 2022-13, 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 March 3, 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. Conference with Legal Counsel, anticipated litigation, significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of CA Govt. Code §54956.9.
- b. Property Negotiations
 - i. Property: The Dunes on Monterey Bay, Opportunity Phase 1A, Hotel Site
Negotiating Party: SJB Development L.P. (Dadwal Management Group, Inc., its General Partner)
Property Negotiator: City Manager
Terms: Price and Terms

6:50 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

Robert Wellington reported out Closed Session: The Council came back from its closed session at 6:44, having taken up with regard to the items that are listed on the agenda for the closed session. An announcement was made prior to the closed session relative to the matter of anticipated litigation. The council received information and discussed matters with the city manager, its attorneys and negotiators, and no reportable action was taken.

Mayor Delgado announced that due to staff error the public hearing listed as 9a will be continued. The staff report with exhibits were not included in the online packet and therefore the public did not have advanced time to review it. The public hearing will be opened at 8:00pm and the public will be allowed to make comments now and again at the selected scheduled date and time.

4. **MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE** (Please stand)
5. **SPECIAL PRESENTATIONS:**
 - a 2022 Central Coast Community Energy Annual Member Agency Presentation – Lena Williams
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 on Planning staff, Tree Committee and City Manager leadership in hiring new Community Development Director
 - Karen Andersen – Commented on California Avenue at Imjin Parkway tree removal
 - Audra Walton – Enjoyed the presentation from Central Coast Community Energy
 - Denise Turley – Commented on weatherization of doors at Preston and Abrams Park
 - Council Member Medina Dirksen – Commented on the recent traffic jam throughout the city due to overturned rick truck on freeway; redistricting maps can be found on her Facebook page.
 - Mayor Delgado – Commented on roadside cleanup volunteers; Marina Library Community Garden planting on each Saturday from 9am-1pm; February 26th Live Music Planting Event at BLM; April 23rd Earth Day a Locke Paddon Park

- Brian McMinn – Announced that Food Waste pails can be picked up at 209 Cypress Ave.

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 98934-99340, totaling \$3,476,624.45
Accounts Payable for Successor Agency Check Numbers 78-81, totaling \$5,703.30

b. MINUTES:

- (1) January 4, 2022-, Special City Council Meeting
- (2) January 11, 2022, Special City Council Meeting
- (3) January 19, 2022, Regular City Council Meeting
- (4) January 25, 2022, Special City Council Meeting
- (5) February 1, 2022, 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. 2022-14**, amending the Salary table for members of the Mid-Management Employee Association (MMEA); and authorize the Finance Director to make the necessary accounting entries.
- (2) ~~City Council consider adopting Resolution No. 2022, amending salary schedule (broadband range) for Directors; and authorize the Finance Director to make the necessary accounting entries.~~ ***Pulled from agenda by staff***
- (3) City Council consider adopting **Resolution No. 2022-15**, authorizing the release of a Request for Proposals (RFP) to qualified firms for program management, public communication, design, construction management, and construction inspection services needed to deliver pavement resurfacing and rehabilitation projects.

- (4) City Council consider adopting **Resolution No. 2022-16**, authorizing submittal of application(s) for all CalRecycle Grants for which the City of Marina is eligible; and adopting **Resolution 2022-17**, for the following actions: (1) applying for CalRecycle SB 1383 Local Assistance Grant Program funds; and (2) authorizing the City Manager or his designee to execute all documents and submit all reports required by the grant; and (3) appropriating grant funds to be received in the current budget; and (4) authorizing the Finance Director to make the necessary accounting and budgetary entries.

g. APPROVAL OF AGREEMENTS:

- (1) City Council consider adopting **Resolution No. 2022-18**, approving the Pavement Management Program Update 2022 Funding Agreement with the Transportation Agency for Monterey County (TAMC) for the City's Pavement Management Program; and authorize the City Manager to execute the Agreement on behalf of the City Council subject to final review and approval by the City Attorney.
- (2) City Council consider adopting **Resolution No. 2022-19**, approving a contract amendment with Rincon Consulting to provide Urban Planning Services to complete the Downtown Specific Plan for an amount not to exceed \$470,339; and authorize the Finance Director to make necessary accounting and budgetary entries; and authorize the City Manager to execute a contract amendment on behalf of City with Rincon Consulting subject to final review by the City Attorney.
- (3) City Council consider adopting **Resolution No. 2022-20**, approving an amendment to the Memorandum of Understanding (MOU) regarding cooperative assistance to comply with Senate Bill 1383, Food Waste Reduction and Organics Recycling Regulations, incorporating changes necessary for the regional administration of SB 1383 Local Assistance Grant Program Funding; and authorizing the City Manager to execute the amended subject to final review and approval by the City Attorney.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

- (1) City Council consider receiving Investment Reports for the City of Marina and City of Marina as Successor Agency to the Marina Redevelopment Agency for the quarter ended December 31, 2021.
- (2) City Council consider adopting **Resolution No. 2022-21**, receive and file the Unanimous Approval of Annexation of property into the City's Community Facilities District No. 2015-1 (The Dunes).

k. FUNDING & BUDGET MATTERS: None

l. INTRODUCE ORDINANCE (READ BY TITLE ONLY AND WAIVE FURTHER READING):

- (1) An Ordinance of the City of Marina Adopting New Council District Boundaries for Four Council Districts Pursuant to CA Elections Code §§21621-21629 and CA Govt. Code (c) & §34886. (Introduction to follow Item 9.a. Public Hearing.)
Public Hearing continued to Wednesday, February 23, 2022, at 6:00PM

m. APPROVE APPOINTMENTS:

- (1) City Council consider appointing to Planning Commission: Nancy Amadeo, Audra Walton and Richard St. John. 3-seats expiring February 2024.

Brian McCarthy commented on agenda item 8g(2) and asked....

BIALA/BERKLEY: TO APPROVE THE CONSENT AGENDA MINUS 8(f2) and 8l(1). 5-0-0-0 Motion Passes by Roll Call Vote

9. PUBLIC HEARINGS:

- a. City Council open public hearing and consider draft revised City Council district maps and the City Council's introduction of an Ordinance adopting a map establishing new City Council district boundaries and the sequence of district elections pursuant to the California Elections Code. ***Public Hearing continued to Wednesday, February 23, 2022, at 6:00PM***

DELGADO/BERKLEY: TO CONSIDER THIS ITEM ON FEBRUARY 23, 2022 AT 6:00 P.M. 3-0-2(Burnett, Berkley)-0 Motion Passes by Roll Call Vote

Mayor Delgado opened the public hearing

- Brian McCarthy – Commented on allowing additional public comment on this matter. Commented on the structure the map to be selected.
- Tommy Bolea – Asked where the maps could be viewed at and also about sequencing of the election.

Substitute Motion

Berkley/Delgado: that we do it on March 1, 2022, at the appropriate time per the demographer working with their schedule. 2-3(Medina Dirksen, Biala, Delgado)-0 Substitute Motion Fails by Roll Call Vote

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. 2022-22**, receiving a presentation on the location, landscape features, and amenities for the placement of the Martin Luther King sculpture donated to the city by the Paige family and providing direction to staff.

Council Questions: Is either one of these option, Site 1 or Site 2 more accessible for a ADA accessibility? What is the cost difference between Site 1 and Site 2 for the ADA? How do we handle the gopher holes as they are quite extensive? Was it taken into consideration for Site 1 if people wanted to have a rally to talk about injustices, or a meeting where they could dialogue what's troubling our society? Will the base of the statue be the same black marble as the facades with all the speeches

on them? What are the liabilities of the statue height if children decided to climb on it? Would there be a possibility for more seating or some natural seating? Lighting of the sculpture wither electricity or solar but is there an option to have the words light up as well as you walk through? Regarding Site 1, you made a reference that the southern half leading to the south, that large drivable road that the police often control on that one there that it's a potential for sculptures what did you mean by that? Did you consider the potential for paths leading to sculptures in the oak Woodland Restoration area? Which of the 2 sites, do you think is more protected from wind? Did you get very far in considering other places within the site 1 triangle to put the Martin Luther King Sculpture. Did you give much thought to placing this in the most norther corner of the Site? In the event that the sculpture is defaced, can we restore it again?

Public Comments:

- Karen Andersen – Fan of Site 2 due to access from inside library. Very challenging side to the library and suggested improving the pathway along shaded tree side. Loves both rendering and happy with either one.
- Denise Turley – How would one get to Site 2 if the library was closed? Is it intended that those places are only accessed while the gardens are open? Asked about emergency access to Site 1 or Site 2 in case there was an injury, what are your concerns there? Asked about webcam for virtual access to student around the county?
- Mike Owen – Agrees that Site 1 it's a better sense of place overall. Asked about grass or turf in the area.
- Brian McCarthy – Agrees that Site 2 is not the appropriate area for the statue. Spoke about the treatment of Locke Paddon Park and Marina not owning the Site 1 area. Asked if there was a signed agreement in place with the property owner that the statue will remain by easement or other mechanism in perpetuity? Concerned about the latest specific plan governing the park. Asked if funds are being allocation to update this specific plan?
- Jeff Markham – Likes the 5 goals. Proposed a design change that rather than repeating the words so much it would be good to challenge us in the last part of that walk to carry on this legacy. Commented on the walking access of the park.

BIALA/BERKLEY: TO APPROVE RESOLUTION NO. 2022-22, RECEIVING A PRESENTATION ON THE LOCATION, LANDSCAPE FEATURES, AND AMENITIES FOR THE PLACEMENT OF THE MARTIN LUTHER KING SCULPTURE DONATED TO THE CITY BY THE PAIGE FAMILY AND DIRECT STAFF TO:

- 1. SECURE WRITTEN COMMITMENT FROM THE MPRPD TO PERMANENTLY RETAIN THIS SCULPTURE AT THIS SITE AND TO GIVE STAFF DIRECTION TO PROCEED TO DEVELOP THE SCULPTURE IN SITE ONE;**
- 2. THAT WE ALSO ENSURE THAT WE HAVE WHATEVER DOCUMENTATION REGARDING LOCKE PADDON PARK TO ENSURE SOME KIND OF A PERMANENT AGREEMENT FROM THE PARK DISTRICT THAT THIS IS A PERMANENT OR THAT WE HAVE A PERMIT TO USE THAT THAT PARCEL OF LAND IN PERPETUITY; AND**
- 3. STAFF TO LOOK INTO PROPER LIGHTING AND NATIVE DROUGHT RESISTANT PLANTS. 5-0-0-0 Motion Passes by Roll Call Vote**

- b. City Council discussion and possible action on Acquisition of Dunes Hotel Site. *This item was not discussed.*

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

- a. Monterey County Mayor's Association [Mayor Bruce Delgado]

Announced at the last Mayor's Association meeting he was appointed to the Airport Land Use Commission.

- 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.

Council Member Medina Dirksen – would like to put on a future agenda a possible discussion on how to rally the State to return some surplus funds to us and other cities for infrastructure needs.

13. ADJOURNMENT: The meeting adjourned at 9:55 P.M.

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor