



MINUTES

Tuesday, March 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 2022-32, 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 31, 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: David Burnett, Mayor Pro-Tem/Vice Chair Kathy Biala, Mayor/Chair Bruce C. Delgado

MEMBERS ABSENT: Cristina Medina Dirksen (Excused), Lisa Berkley (Excused)
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 Govt. Code Section 54956.9: One potential case.
- b. Conference with Legal Counsel – Existing Litigation pursuant to paragraph (10 of Subdivision (d) of Govt. Code Section 54956.9: Marina Aviation, LLC, v. City of Marina, FAA Docket No. 16-21-12.
- c. 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

6:40 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

Robert Wellington, City Attorney reported out Closed Session: Council met in closed session with regard to the three matters listed. Council received information, provided direction and no reportable action was taken.

4. **MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE** (Please stand)
5. **SPECIAL PRESENTATIONS:** None
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 – Spoke about the need to resume the commissions with all the developments going on. Spoke about Tatum's Park and asked if it was still being planned for The Dunes Park. Heard it was moved to Carmel Valley. Commented that the Dunes developer excavated much more than they should have along 7th Street, southern boundary of the park.
 - Queen Teye – Spoke about the Monterey County VIDA Project and finding locations to set up tables to inform the public of the services offered such as rent and utility, assistance, wage loss, replacement, expense, support, basic needs, foods and diapers, baby formula, mental health services. Employer advocacy, vaccination and tech testing appointment access. For more information: lavishabhc@actioncouncil.org
 - Denise Turley – Asked if the food waste composting bins are still available? Commented on the street closure at MacArthur.
 - Karen Andersen – Commented about the locked gate at the top of Carmel Avenue leading from the Preston Park area. How are students getting to school from Preston Abrams and Sea Haven over to Crompton, Marina Vista, the Middle School, and the high school? Commented about recent photos sent to Council of the recent grading taking place at the top of Carmel Avenue. Asked who's responsible to maintain consistency or the mitigation of endemic species when a property

like this change's hands from one developer to another? Does the second developer get to ignore all the rules or restrictions or regulations that must have been put in place regarding the San Gilia?

- Mayor Delgado – Commented about 40 volunteers show up at Lock Paddon Park, to the Oak Woodland Community Garden outside the Marina Library last Saturday from 9:00am-1:00pm; and the 11 volunteers who show up for 2 ½ hours to help clean up Del Monte Boulevard all the way to the freeway, about 2.2 miles north of Beach Road. Announced that on April 23, 2022, is the 16th Annual Earth Day in Marina at Locke Paddon Park, upper library area. Citizens for Sustainable Marina is applying for a \$36,000 grant from AARP to make it more senior friendly by installing a couple of pathways 2 to 3 sitting benches and for hip high raised garden beds.
- Council Member Burnett – Thanked the members of the public who are attending tonight's meeting, the attendance for tonight's meeting is 11 not including Council and staff.

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 99412-99552, totaling \$903,287.32
Accounts Payable for Successor Agency Check Number 82, totaling \$1,780.00

b. MINUTES:

- (1) February 23, 2022, Special City Council Meeting
- (2) March 1, 2022, Regular City Council Meeting

c. CLAIMS AGAINST THE CITY:

- (1) City Council Rejection of Claim - staff recommends that the City Council reject the following claim and direct sending appropriate notice of rejection to claimant: Mark Anthony Jiminez for a claim received on March 4, 2022.

d. AWARD OF BID:

e. CALL FOR BIDS: None

f. ADOPTION OF RESOLUTIONS:

- (1) City Council consider adopting **Resolution No. 2022-34**, 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 April 1, 2022 through April 30, 2022.
- (2) City Council consider adopting **Resolution No. 2022-35**, authorize the purchase of a Forcible entry prop for \$80,000.00 from Forcible Entry Equipment; and authorize the purchase of the Phenix TL-2 Firefighter helmets for \$30,000. From Allstar Fire Equipment; and authorize the Finance Director to make necessary accounting and budgetary entries.
- (3) City Council consider adopting **Resolution No. 2022-36**, preliminarily approving the Fiscal Year 2022-23 Engineer's Report for the Cypress Cove II Landscape Maintenance Assessment District; declaring its intention to levy an assessment in fiscal year 2022-23 in that district; and calling a public hearing for April 5, 2022.
- (4) City Council consider adopting **Resolution No. 2022-37**, preliminarily approving the Fiscal Year 2022-23 Engineer's Report for the Seabreeze Landscape Maintenance Assessment District; declaring its intention to levy an assessment in fiscal year 2022-23 in that district; and calling a public hearing for April 5, 2022.
- (5) City Council consider adopting **Resolution No. 2022-38**, preliminarily approving the Fiscal Year 2022-23 Engineer's Report for the Monterey Bay Estates Lighting & Landscape Maintenance Assessment District; declaring its intention to levy an assessment in fiscal year 2022-23 in that district; and calling a public hearing for April 5, 2022.

g. **APPROVAL OF AGREEMENTS:**

- (1) City Council consider adopting **Resolution No. 2022-39**, approving assignment of a Lease, Assumption of Assignment of Lease and consent to Assignment of Lease for 3240 Imjin Road (Building 510) between the City of Marina, Driven Performance, LLC and Joby Aero, Inc.; and authorizing City Manager to execute the Assignment of the Lease Agreement, on behalf of the City, subject to final review and approval by City Attorney.
- (2) City Council consider adopting **Resolution No. 2022-40**, approving assignment of a lease, assumption of assignment of lease and consent to assignment of lease for 791 Neeson Road (Building 521) between the City of Marina, Fort Ord Works, Inc and Joby Aero, Inc.; and authorizing City Manager to execute the Assignment of the Lease Agreement, on behalf of the City, subject to final review and approval by City Attorney.
- (3) City Council consider adopting **Resolution No. 2022-41**, approving Amendment No. 2 to the Program Management Services between the City of Marina and Wallace Group (WG), to add to the scope of work for the program management services for multiple projects defined under the Capital Improvement Program (CIP) and Airport Capital Improvement Program (ACIP); Increase the contract limit amount by \$1,288,548.04 for a total contract limit of \$2,601,794.04; and authorizing the City Manager to execute the amendment on behalf of the City subject to final review and approval by the City Attorney.

- (4) City Council consider adopting **Resolution No. 2022-42**, approving Amendment No. 1 to the On-Call Architectural Services agreement between the City of Marina and Jeff Katz Architecture (JKA) increasing the annual contract limit to \$900,000 for fiscal year 2022-2023; authorizing the City Manager to execute the amendment on behalf of the City subject to final review and approval by the City Attorney.

- 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

DELGADO/BIALA: TO APPROVE THE CONSENT AGENDA. 3-0-2(Medina Dirksen, Berkley)-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. 2022-43**, approving city to advertise and call for bids for the execution of the City Park Barracks and Cypress Knolls Buildings Blight Removal 2022 Project.

Council Questions: is states in the staff report that 74 replacement trees of comparable size and species shall be incorporated, but if you take out big trees are you going to put in big trees, or you're going to put in little trees? What is the meaning of "comparable size"? When you say comparable species, I understand you might be taking out of a lot of acacia maybe some eucalyptus, but that doesn't mean that you're going to replace them with trees of similar species does it? Is the Tatum's Tree House still part of this park expectation or have they moved to Carmel Valley and we're off the table? Are we on track to hire an arborist beyond city staff? Once the barracks are demolished and the trees are removed How would you characterize the land that is going to be left behind? Is it going to be seeded with some kind of low-growth non evasive or is it just going to naturally evolved with whatever weeds are blowing around? Page 39 of Appendix C There is the outline for the tree pruning, will this be done in order to their removal? So there is no anticipated pruning Once the barracks are removed and the site is stabilized? Have any of the trees been identified as requiring stabilization, meaning that there they're in such a state that there needs to be some care to ensure their long-term survivability? What plans are there to ensure that that they do survive? Who is going to be tracking the replacement trees from each of these parcels as we go forward? Who's whose primary responsibility is it, the city or the

planning commission, or the developer, or you know, an arborist if we get one hired? Can we use alternate sites if we have too many replacement trees?

DELGADO/BIALA: TO ADOPT ADOPTING RESOLUTION NO. 2022-43, APPROVING CITY TO ADVERTISE AND CALL FOR BIDS FOR THE EXECUTION OF THE CITY PARK BARRACKS AND CYPRESS KNOLLS BUILDINGS BLIGHT REMOVAL 2022 PROJECT; AND MODIFY THE WHEREAS TOP OF PAGE 2 OF RESOLUTION, PG 5 OF STAFF REPORT #3. SITE 1 (DUNES) 64 REPLACEMENT TREES OF COMPARABLE SIZE AT MATURITY AND NATIVE SPECIES, WHERE POSSIBLE, SHALL BE INCORPORATED INTO THE CITY PARK LANDSCAPING PLAN WHEN IT IS PREPARED, BASED ON THE CONCEPTUAL DESIGN PLANS APPROVED BY THE CITY COUNCIL. 3-0-2(Medina Dirksen, Berkley)-0 Motion Passes by Roll Call Vote

Public Comment

- Karen Andersen – Spoke about a set of trees which it had been identified as which would be removed, and which would be preserved, and those that were replaced ended up being destroyed or did not survive and hopes the city does not go down that path again.
- Mike Owen – Commented about how the tree committee should be involved with this, they are the body designed to answer these questions. Asked what is the possibility of the Tree Committee coming back to look over these issues the next time it comes before the Council? Commented about Tatum Park going to Carmel Valley. Asked, is there anything that the city manager could disclose about the current state of the Tatum's Park? Did it go to Carmel Valley? Against the Mayor's motion. Stated city should receive another award if they are able to demo these building without a lot of trees being removed.
- Les Martin – Glad to see this project moving along forward. Excited when they took away those couple of buildings down or near the arts building, you can now see the ocean. Not a big supporter at all this effort on the trees but impressed by the plan and the way they took the effort to document where the trees are at, to identify which ones are going to be removed. It's important to clear out those buildings that are in the site of the kids having to go to school. Commented about the Bonds used to pay for the blight removal and believes the federal government should be responsible for the removal of the blight.
- Liesbeth Visscher – Thanked city staff and the planning commissioners for voting unanimously last Thursday to save as many trees as possible at the future at Dunes City Park and making sure that the trees that are on the retain list will be protected during demolition. Thinks it will be beneficial for the city and its residents to get the tree Committee back and asked what the plans are for that.

- b. City Council consider adopting **Resolution No. 2022-44**, approving Vehicle Mile Traveled (VMT) as a threshold of significance for the purposes of assessing transportation impacts under the California Environmental Quality Act (CEQA); and find that the action is exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines.

Council Questions: it sounds like this change in methodology, over the current traffic study way of looking at impacts. Yeah, will not significantly increase either the cost of the project or the time required to complete it is that, does that true traveling as well? Will there be a requirement of staff training a significant amount of necessary to implement this? This was to ensure as much as possible that the network, the infrastructure, and the plan is the projects that were planned within that

infrastructure worked well together, and that you sort of reduce the amount of congestion and pollution and over driving. It seems as though this methodology does not necessarily address congestion rather it looks strictly at reducing the number of trips, correct? Can footnotes/narrative at the bottom of the maps to explain the legend? How are VMT Mitigations monitored? The staff report says the city may adopt a fair share traffic impact fee to ensure that new development bears a proportionate share of the cost of capital facilities cost necessary to accommodate such development, is that something that is a common, maybe on our impact fees already do we have that already included? Or once we implement this is this something we should anticipate, and if so, how much and when do we levy this fee? Do electrical cars in operation but VMT with environmental impacts have any consideration in this?

DELGADO/BURNETT: TO ADOPT RESOLUTION NO. 2022-44, APPROVING VEHICLE MILE TRAVELED (VMT) AS A THRESHOLD OF SIGNIFICANCE FOR THE PURPOSES OF ASSESSING TRANSPORTATION IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AND FIND THAT THE ACTION IS EXEMPT FROM CEQA PURSUANT TO SECTION 15308 OF THE CEQA GUIDELINES; AND THAT WE PUT SOME FOOTNOTES ON C1 AND C2, SO THAT THE LEGENDS ARE EXPLAINED ON THE SAME PIECE OF PAPER THAT THE LEGENDS ARE SHOWN. 3-0-2(Medina Dirksen, Berkley)-0 Motion Passes by Roll Call Vote

Public Comments:

- Jeffrey Markham – Asked when the density calculations were done to get to the map was, how long ago was that done?

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.

Council Member Burnett – MST Board met on Monday and are receiving additional funding for the Surf Project, which has not been completely planned out yet and they're anticipating sessions this summer and fall so anyone wishing to participate, give comments that time is coming up and will try and give you heads up before the meetings are scheduled.

Mayor Delgado – Commented on the endangered plant species bloom season for the San Gilia and the encampments and unsheltered individuals, bike cycles walking across, trampling and asked fencing these areas off.

13. ADJOURNMENT: The meeting adjourned at 9:22 P.M.

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor