



MINUTES

Tuesday, May 17, 2022

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 2022-48, 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: Cristina Medina Dirksen, David Burnett, Mayor Pro-Tem/Vice Chair Kathy Biala, Mayor/Chair Bruce C. Delgado

MEMBERS ABSENT: 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. – NONE*

4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)

5. SPECIAL PRESENTATIONS:

- a Poppy Month Proclamation
- b Public Works Week Proclamation

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.*

- Council Member Medina Dirksen – Commented that the Friends of the Marina Library had a fantastic event last weekend upwards of 500 people come out to the library for pony rides.
- Council Member Burnett – Wanted to remind everyone that they should have received their ballots in the mail, and that election season is on us and to please return your ballots before the June deadline.
- Amy Warren – Provided Marina Equestrian Center updates; Commented on working with Terry Siegrist and running the Guitar Not Guns program, which is back up and running at the Teen Center on Saturdays. Also mentioned Rosewood, the band, seniors at Marina High School got their start at the Teen Center.
- Mike Owen – Commented on the Dunes Development and showed a drone video taken by Don Neff a Sea Haven resident to give a perspective, and the reason for it is just to give you a little advance of like when you go out on the site tour to look at the trees.
- Les Martin – Enjoyed the video. Asked what the timeline is for the Dunes Park? When is the city going to start to tear down their buildings? Commented on saving some of the trees that are sustaining themselves without the help of water. Asked about the status of the Sea Haven Park? Asked about the construction behind the Springhill Suites? Commented on the Dunes Phase 2 structures not being taken down. Asked about the Equestrian Center status.
- Karen Andersen – Commented on the video that was played on the Dunes Development area and noted the developer stated this is the future business opportunity, area, a business park which would have business buildings and parking lots, and that they could very well work around the existing healthiest trees over there in the future.
- Liesbeth Visscher – Thinks the trees at the former Fort Ord have not been irrigated for decades and don't need water and have proved they can survive on our coast. Appreciate the developer and the city to look into saving as many healthy trees as possible and to give the public a chance to visit the sites. Agrees that bisecting a park with a road does not make any sense, not sure why it was designed that way.
- Mayor Pro Tem Biala – Commented on the shooting at the supermarket in Buffalo and the racial divide in the country. Believe everyone in Marina, whether we are Black, White, Brown, or Asian, need to reject and denounce this ideology of Replacement Theory and pledge to never tolerate or condone it if it surfaces in our city.

- Mayor Delgado – Spoke about the uptick of graffiti or tagging and asked that if the public see graffiti to report to the city so it can be taken care of immediately. Thanked the 6 volunteers that collected the monthly bounty of litter along Del Moni Boulevard, and Lapis Road and the volunteers that came out to clean up the Salinas Avenue area. Announced every Saturday from 9:00-1:00pm at the Marina Library in the Oak Woodland Community Garden where we are preparing plantings for the future Hilltop Park. Each Wednesday at 5:30pm will be native seed collections, we meet at different locations so please contact me at (831) 277-7690 for updates. This Sunday from 9:00am-Noon will be litter cleanup along the highway under/overpass on Del Monte near Reindollar 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 99875-99972, totaling \$246,145.90
Accounts Payable for Successor Agency Check Numbers 85-87, totaling \$12,423.70

b. MINUTES: None

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. 2022-54**, 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 May 20, 2022, through June 21, 2022.
- (2) City Council consider adopting **Resolution No. 2022-55**, authorizing release of a Request for Proposals for Consultant Services to prepare objective design standards for single-family, multiple-family, and mixed-use developments; and authorizing the Finance Director to make necessary budget and accounting entries; and, authorizing the City Manager to execute agreement on behalf of the City subject to final review and approval by the City Attorney.

- (3) City Council consider adopting **Resolution No. 2022-56**, accepting the Housing Element Annual Progress Report for calendar year 2021 and authorizing staff to submit the report to the Governor's Office of Planning and Research and the California Department of Housing and Community Development; and, find that the action is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3) and 15378(b).
- (4) City Council consider adopting **Resolution No. 2022-57**, fixing and levying a special tax for principal and interest payments and administrative costs on the city's 2015 General Obligation Refunding Library Bonds for Fiscal Year 2022-2023; and **Resolution No. 2022-58**, certifying compliance with state law (Proposition 218) with respect to special taxes for the 2015 General Obligation Refunding Library Bonds tax levy for Fiscal Year 2022-2023.

g. APPROVAL OF AGREEMENTS:

- (1) City Council consider adopting **Resolution No. 2022-59**, calling for a general municipal election in the City of Marina on Tuesday, November 8, 2022, for the election of certain city officers; and requesting the Count of Monterey agree to the consolidation of the election with the statewide general election and requesting the County Elections Department to render any and all services required to conduct the election; and authorizing the Finance Director to appropriate funds and the City Manager to execute a service agreement for the provision of election services between the City of Marina and Monterey County Elections Department/Registrar of Voters subject to final review and approval by City Attorney.
- (2) ~~City Council consider adopting Resolution No. 2022, approving consulting services agreement between HF&H Consultants, LLC (HF&H) and the City of Marina to perform an analysis of an equitable method of crediting surplus solid waste collection fees back to rate payers for a fee not to exceed \$29,910, and; authorizing the City Manager to execute the agreement on behalf of the City subject to final review and approval by the City Attorney, and; authorizing the Finance Director to make the necessary budgetary and accounting entries.~~
Pulled by Mayor Pro Tem Biala, become agenda item 11e

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS: None

Council Member Burnett, question on 8f(2) and 8f(3) – On 8f(2) ... Design standards? On 8f(3), will the report be presented or made available to the public?

Council Member Medina Dirksen, question on 8f(2), does this include commercial?

Mayor Pro Tem Biala, pulled agenda item 8g(2) so it can be discussed along with agenda item 11d.

DELGADO/MEDINA DIRKSEN: TO APPROVE THE CONSENT AGENDA MINUS 8g(2). 4-0-1(Berkley)-0 Motion Passes by Roll Call Vote

9. PUBLIC HEARINGS:
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. 2022-60**, receiving a report on the Hilltop Park recommendations from the ad-hoc committee and City Council appointed liaisons and providing direction for the final design of the Hilltop Park at The Dunes. ***Continued from May 3, 2022***

Council Questions: Central coast was a nexus point for native Americans hundreds of years ago, would this be a good project for not just natives or local natives but maybe restoration of some of these older plants that were here? Has ADA compliance been incorporated in the fauna and flora areas, signs and braille? Who led the effort in obtaining the 1,700 plants? Have we considered the naming of this park? Where exactly in Exhibit B are the non-native plant areas? To keep the maintenance of those non-invasive nonnatives long term does that take a lot of effort? Who will be responsible the maintenance of the park, including the trails? Will the current volunteers, C4SM Will they be allowed to be able to work freely and to maintain this new park?

Public Comments:

- Les Martin – Great plan with a lot of input from many people with plan knowledge. Suggested that whatever get planted there be able to withstand the wind and properly staked. Should keep the healthy existing pines that are currently there on site. Appreciates all the hard work everybody's put into it.
- Tommy Bolea – Commented on the shifting and moving sand due to the lack of rain and hopes the new plants survive, on the gophers in that area. Commented on the different seasons Marina goes through. Commented water needed to keep the plants alive
- Fred Watson – Spoke about the questions/suggestions he proposed. Asked that the Monterey Cypress be removed from the planning list of Area 1. Erigonum Fasciculatum and Horkelia Cuneata Be removed from the planting list in Area 3.
- Karen Andersen – Honor to be part of this committee, and to have been at in the field collecting seeds under the Mayor's direction. ask the City Council to to take in the Q. A. Answers such as Dr. Watson just mentioned, and in have those points incorporated into the into the final product. thank the public works department for moving our soil totters from Monterey Bay Horticulture over to the oak woodland. Asked that the poison oak be taken out professionally. Noted that the ground squirrels got to the acorns so there is no crop of coast live oaks to plant, will need to get those from the nursery tray. Commented on ice-plant and a gopher-snake deficiency.
- Traci – One of the volunteers that have been working Saturday after Saturday on these plants and we're very excited to have them go into this project. Mentioned that contractors who know native plants will be engaged to create the planting plans so that we, as volunteer groups, know what type plans and how many we need to plan to propagate. that we would very much look forward to the

developer contracting with an entity that does the majority of the planting as well as a lot of the watering within that first 2 years. Feels it's fair for us to also ask the developer for some materials that we've been going through.

DELGADO/BIALA: THAT WE ADOPT RESOLUTION NO. 2022-60, RECEIVING A REPORT ON THE HILLTOP PARK RECOMMENDATIONS FROM THE AD-HOC COMMITTEE AND CITY COUNCIL APPOINTED LIAISONS AND DIRECTS THE FOLLOWING DIRECTION ON THE FINAL DESIGN OF THE HILLTOP PARK AT THE DUNES:

- (1) AREA 1, REDUCE 24 LBS OF STICKY MONKEY FLOWER TO 12LBS; ADD 12 LBS OF SEACLIFF BUCKWHEAT (ERIOGONUM PARVIFLORUM); REMOVE CALIF. BUCKWHEAT (ERIGONUM FASCICULATUM); REMOVE MONTEREY CYPRESS.**
- (2) AREA 2, REDUCE IDAHO FESCUE (FESTUCA IDAHOENSIS) FROM 8LBS TO 4LBS; INCREASE WEDGE-LEAF HORKELIA (HORKELIA CUNEATA) FROM 1LB TO 5LBS; REMOVE COAST RANGE MELIC (MELICA IMPERFECTA) AND REPLACE IT WITH JUNEGRASS (KOELERIA MACRANTHA)**
- (3) AREA 3, PROPOSED REVEGETATION - EXISTING NATIVE & WEED-ERADICATED PLANTING AREAS CHANGE "SITE SPECIFIC SEED COLLECTION, LIVE CUTTINGS FROM VOLUNTEERS, COMMERCIALY AVAILABLE SEED FROM LOCAL SOURCES, AND CONTAINERIZED PLANTS FROM LOCAL NURSERY STOCK" TO THE FOLLOWING:**
 - a. "SITE SPECIFIC SEED COLLECTED BY VOLUNTEERS AND/OR CONTRACTORS, LIVE CUTTINGS FROM VOLUNTEERS AND/OR CONTRACTORS, COMMERCIALY AVAILABLE SEED FROM LOCAL (WITHIN 10 MILES OF FORT ORD, NOT SAN DIEGO OR MENDOCINO COUNTIES) SOURCES, AND CONTAINERIZED PLANTS FROM VOLUNTEERS OR, WHERE NECESSARY, FROM LOCAL COMMERCIAL NURSERY STOCK.**
 - b. REPLACE HORKELIA CALIFORNICA WITH HORKELIA CUNEATA.**
- (4) DEVELOPERS AND VOLUNTEERS REMAIN FLEXIBLE TO BILATERALLY APPROVED CHANGES IN PLANT LISTS AS ADDITIONAL SPECIES MAY BE DETERMINED TO BE APPROPRIATE FOR INCLUSION IN PLANTING AREA 3.**
- (5) SUCCESS CRITERIA INCLUDE A MAXIMUM OF BARE GROUND "ALLOWED" BEFORE DETERMINED TO BE SUCCESSFUL.**
- (6) DEVELOPERS AND VOLUNTEERS COLLABORATE ON REIMBURSEMENT PROJECT COSTS ALREADY PAID FOR BY VOLUNTEERS INCLUDING SOIL AND OTHER SUPPLIES APPROX. \$4-7K (RECEIPTS TO BE PROVIDED)**
- (7) DEVELOPER AND VOLUNTEERS COLLABORATE ON FUNDING FOR FUTURE COSTS SUCH AS SOIL AND OTHER MATERIALS (APPROX. \$7K-\$15K)**
- (8) ALL PARTIES ACKNOWLEDGE THAT VOLUNTEERS COULD BE PROVIDING UP TO 20K PLANTS WORTH AS MUCH AS \$80K OR MORE IN ADDITION LABOR OF \$50K OR MORE.**
- (9) DEVELOPER PROVIDE VOLUNTEERS CONSTRUCTION DOCUMENTS SUCH THAT VOLUNTEERS KNOW HOW MANY INDIVIDUALS OF EACH SPECIES TO PROVIDE FOR PLANTING AREA 3.**

4-0-1(Berkley)-0 Motion Passes by Roll Call Vote

- b. City Council consider adopting **Resolution No. 2022-61**, approving agreement between City of Marina and Fairbank, Maslin, Maullin, Metz & Associates (FM3) for public opinion research services, authorize subsequent minor changes if necessary, with City Attorney approval, and; authorize City Manager to execute agreement amendment on behalf of City, and; authorize the Finance Director to make the necessary accounting and budgetary entries.

Council Questions: How are we going to direct the researcher, the consultant regarding what to be included in the survey? We recently did an extensive community survey to find out how people are dissatisfied or satisfied with the way things are in the city, how will that past historical information be included or excluded what we do from today and in the coming months? Would the results of the survey indicate, or could they indicate an acceptance the measure that support I mean, or could we measure support for the measure through this survey or are we strictly looking at what kinds of things if approved, the measure would provide for? What is the timeline when we need to have the actual measure to the county, so it can appear in the voting guide? In the last surveys, do you recall which language was predominant beyond Spanish and English was it Korean or Vietnamese? In doing these surveys really the whole issues that we're asking for money the consultants will have to know our numbers, our budget, our constraints, correct? Is it specifically a closed system a closed demographic of who we're reaching, and thus wouldn't be a good candidate to put on our website? Is this something we can do in-house? Do we have the staff? With the last measures, which is the half cent sales tax the cannabis tax and the hotel tax, was there any statistical analysis that went into that, and can you tell me the precursor to that? Do we have any indications that the landscape has changed in terms of opinion? What priorities does Council have between now and the due date in August? Is this going to run up against anything that we're going to have to be focused on, or is this a good time for this? Is this going to run up against anything that we're going to have to be focused on, or is this a good time for this?

MEDINA DIRKSEN/BIALA: TO ADOPT RESOLUTION NO. 2022-61, APPROVING AGREEMENT BETWEEN CITY OF MARINA AND FAIRBANK, MASLIN, MAULLIN, METZ & ASSOCIATES (FM3) FOR PUBLIC OPINION RESEARCH SERVICES, AUTHORIZE SUBSEQUENT MINOR CHANGES IF NECESSARY, WITH CITY ATTORNEY APPROVAL, AND; AUTHORIZE CITY MANAGER TO EXECUTE AGREEMENT AMENDMENT ON BEHALF OF CITY, AND; AUTHORIZE THE FINANCE DIRECTOR TO MAKE THE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES. 4-0-1(Berkley)-0 Motion Passes by Roll Call Vote

Public Comments:

- Tommy Bolea – Spoke about doing his own survey and talking to people. Sounds like it's kind of biased if you're not going to cover all the nationalities. Commented on city not controlling the spending and people being on fixed incomes and renters. Concerned about city always hiring consultants. Noted that some of the priorities could be passed on to the next sitting council.
- Denise Turley – Council should stick with what worked last time. Need to make sure to provide palatable information so they can make an informed decision. Asked if people want more information on this issue and when the person calls to give the survey, where are they going to be led to?

- c. City Council consider adopting **Resolution No. 2022-62**, approving the form and authorizing the execution of certain lease financing documents in connection with the offering and sale of certificates of participation relating thereto to finance the cost of Measure X infrastructure improvements within the geographic boundaries of the City and authorizing and directing certain actions with respect thereto.

Council Questions: Can you explain to me how the interest rates impact wither the ability to sell or get people to purchase these bonds? Are they locked in? Have we received a bond rating yet? Do we have a forecast for the bond market? Are bonds interest rates like mortgages? inflationary direction, and so assuming that the not the worse, but the moderate projections of inflation come into effect what does that do to the bonds themselves, does that diminish their attractiveness? Is the bond estimate to give us \$11.5 million? Is that enough to fix our streets? Beyond the 25 streets what are the most likely candidates, streets, or other projects that would be funded by this bond? Bond Leasing, can you explain to me why we use this particular instrument and not some other?

BIALA/MEDINA DIRKSEN: TO ADOPT RESOLUTION NO. 2022-62, APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF CERTAIN LEASE FINANCING DOCUMENTS IN CONNECTION WITH THE OFFERING AND SALE OF CERTIFICATES OF PARTICIPATION RELATING THERETO TO FINANCE THE COST OF MEASURE X INFRASTRUCTURE IMPROVEMENTS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE CITY AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO. 4-0-1(Berkley)-0 Motion Passes by Roll Call Vote

Public Comments:

- Tommy Bolea – Who created the street list? Asked Mayor if he took pictures or took notes when he came to view Andrew Circle? Who pays for the bond? Asked about the underground infrastructure of the streets?
- d. City Council consider adopting Resolution No. 2022-, amending the rate adjustment calculation of the franchise agreement with Green Waste Recovery utilizing a sector specific uniform percentage adjustment and approving maximum rates to be charged by Green Waste Recovery effective July 1, 2022, for collection of franchised solid waste, recycling, and organics. *Continued to June 7, 2022*
- e. City Council consider adopting Resolution No. 2022-, approving consulting services agreement between HF&H Consultants, LLC (HF&H) and the City of Marina to perform an analysis of an equitable method of crediting surplus solid waste collection fees back to rate payers for a fee not to exceed \$29,910, and; authorizing the City Manager to execute the agreement on behalf of the City subject to final review and approval by the City Attorney, and; authorizing the Finance Director to make the necessary budgetary and accounting entries. *Pulled by Mayor Pro Tem Biala, was agenda item 8g(2). Continued to June 7, 2022*

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 10:40 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor