



MINUTES

Tuesday, June 7, 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 2022-54, 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 May 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, Lisa Berkley, Mayor Pro-Tem/Vice Chair Kathy Biala, Mayor/Chair Bruce C. Delgado

MEMBERS ABSENT: Cristina Medina Dirksen (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. Public Employment Appointment (Govt. Code Section 54957(b)(1):
Position: City Attorney

6:30 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

Robert Rathie, Legal Counsel reported out Closed Session: Council met in Closed Session with regard to the one item listed. Council received information, provided direction and no reportable action was taken.

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

5. **SPECIAL PRESENTATIONS:**

- a Sarah Hudson
- b LGBTQ+ Pride Month Proclamation
- c Monterey Bay Economic Power Video

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.*

- Doug Yount – Announced to the public and City Council of the significant milestone last week in the Dunes Project relating to the next step and affordable housing, 142 units in the 2 complexes or phase 2 and 3 affordable housing at The Dunes. The Dunes closed escrow for the purchase of the property from the city to Marina Community Partners, and then in turn a sale to U.S.A. Property, the developer of that and operator is that affordable housing. This was a significant milestone obviously for providing much needed rental, affordable housing for very low-, low- and moderate-income families and individuals in the region.
- Mike Owen – Asked is there will be a future meeting when the City Manager will allow the Council to vote to continue the suspension of the Tree Committee and Public Works Commission.
- Brian McMinn – Wanted to make sure that, we recognize the efforts of Ocean Rock Church to display the flags on Memorial Day weekend.
- Mayor Pro-Tem Biala – Asked how will the public be notified when the affordable units become available and does Marina residents have any advantage in terms of being able to apply first, or have any preference in in terms of being selected for those units?
- Council Member Berkley – Asked about making sure the Civil Disobedience Day proclamation could be placed on the next meeting agenda?
- Mayor Delgado – Commented on the volunteer cleanups. Asked if the public works could come out and mow the Preston Park fields prior to the baseball tournaments. Commented on the open house Shea Properties held at The Dunes and the tour of the lots to view the tress. Commented on the Hilltop Park seedlings and planting season. Commented on Mayor Pro Tem Biala's matrix of the trees in The Dunes Phase 3 area.

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 99973-100085, totaling \$886,066.51
Accounts Payable for Successor Agency Check Numbers 88, totaling \$1,675.00
 - b. MINUTES:
 - (1) May 3, 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. 2022-63**, certifying City of Marina compliance with State law (Proposition 218) with respect to special assessment for Cypress Cove II Landscape Maintenance Assessment District for FY 2022-2023.
 - (2) City Council consider adopting **Resolution No. 2022-64**, certifying City of Marina compliance with State law (Proposition 218) with respect to special assessment for Seabreeze Landscape Maintenance Assessment District for FY 2022-2023.
 - (3) City Council consider adopting **Resolution No. 2022-65**, certifying City of Marina compliance with State law (Proposition 218) with respect to special assessment for Monterey Bay Estates Landscape Maintenance Assessment District for FY 2022-2023.
 - (4) City Council consider adopting **Resolution No. 2022-66**, confirming levy of a special tax for the City of Marina Community Facilities District No. 2007-2 (Locke Paddon) for Fiscal Year 2022-2023 as authorized by Ordinance No. 2007-09, and; consider adopting **Resolution No. 2022-67**, certifying City of Marina compliance with State law (Proposition 218) with respect to levying of special taxes for the City of Marina Community Facilities District No. 2007-2 for Fiscal Year 2022-2023 as authorized by Ordinance No. 2007-09.

- (5) ~~City Council consider adopting Resolution No. 2022, adopting an updated list of projects for fiscal year 2022-23 funded by SB1: the Road Repair and Accountability Act of 2017. **Pulled by Mayor Delgado, becomes agenda item 11c**~~
- (6) City Council consider adopting **Resolution No. 2022-68**, establishing appropriations limit for FY 2022-23.

g. APPROVAL OF AGREEMENTS:

- (1) City Council consider adopting **Resolution No. 2022-69**, approving the Pavement Management Program Update 2022 Reimbursement 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. 2022-70**, approving the Wayfinding Regional Funding Agreement with the Transportation Agency for Monterey County (TAMC); 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.
- (3) City Council consider adopting **Resolution No. 2022-71**, approving a Lease Agreement between the City of Marina and Uninsured Skydive Monterey Bay, Inc. dba Skydive Monterey Bay. for a portion of 721 Neeson Road (Building 533) at the Marina Municipal Airport; and authorizing City Manager to execute the Lease Agreement, on behalf of the City, subject to final review and approval by City Attorney.
- (4) City Council consider adopting **Resolution No. 2022-72**, authorizing staff to submit a grant application to the California Coastal Commission and authorize the City Manager to execute the applications, contacts, agreements, and amendments necessary to implement the grant application package.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

- (1) City Council consider adopting **Resolution No. 2022-73**, receive and file the City's Annual Audit for the period ending June 30, 2021; and receive and file the City of Marina Auditor Governance Letter (SAS 114) and Management Letter (SAS 115) for the fiscal year ending June 30, 2021.

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS: None

Mayor Pro Tem Biala had questions for agenda item 8f(6), give the public a little bit of a clarification about why we have this appropriations, why do we have this limit and how did this come about? Also asked the City Manager to briefly tell the public about the good points of 8j(1)

Council Member Burnett requested to pull agenda item 8f(3) for recusal of the vote.

Council Member Berkley had a question for agenda item 8g(2), who chooses the wayfinding sign design/colors?

Mayor Delgado requested to pull agenda item 8f(5) for discussion. Becomes agenda item 11c

BIALA/BERKLEY: TO APPROVE THE CONSENT AGENDA MINUS 8f(3) AND 8f(5). 4-0-0-1(Medina Dirksen). Motion Passes by Roll Call Vote

8f(3)

DELGADO/BIALA: TO APPROVE AGENDA ITEM 8f(3). 3-0-0-1(Medina Dirksen) 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. 2022-74**, 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 from May 17, 2022***

Council Questions: Are we not deciding on senior discount rates tonight?

BURNETT/BERKLEY: TO APPROVE RESOLUTION NO. 2022-74, 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. 4-0-0-1(Medina Dirksen) Motion Passes by Roll Call Vote

Public Comments:

- Denise Turley – Clarified that the senior discount also applied to disabled persons and noted that not all disabled persons were over 60. Agrees with giving the surplus over the 2 periods as noted in the report.
- Karen Andersen – Been in discussion with GreenWaste regarding the fact that it's not possible to reduce my utility usage here any greater. Currently use the smallest can available. Asked why there is not a rate for those of us who don't generate a lot of garbage.
- Tommy Bolea – Asked if there was an exemption for those residents who don't produce refuse and does not have the need for garbage service?

- b. City Council consider adopting **Resolution No. 2022-75**, 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 from May 17, 2022***

Council Questions: Could the analysis consider the possibility of maybe repurposing or redirecting those funds towards green infrastructure like electric vehicles, stations, or bike charging stations or something like that? Is it wise to spend \$30,000 to pay consultant to tell us how to spend the surplus? Do you think that the surplus will continue to get smaller every year? Do you think it's appropriate to spend the 30 K to find that equitable way? Is it estimated that about \$99 will go back to households in discounts in future rates? Does the consultant actually identify, not just the methodology But do they go through the records and tell you, Then these are the people who have moved away, and these are the people who had in some kind of pay or class, so they do all this work?

BIALA/DELGADO: TO APPROVE RESOLUTION NO. 2022-75, 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. 4-0-0-1(Medina Dirksen) Motion Passes by Roll Call Vote

Public Comments:

- Tommy Bolea – Opposes the motion. Believe this should be done in-house with city staff.

- c. City Council consider adopting **Resolution No. 2022-76**, adopting an updated list of projects for fiscal year 2022-23 funded by SB1: the Road Repair and Accountability Act of 2017. ***Pulled by Mayor Delgado, was agenda item 8f(5)***

Council Questions: Is true that tonight we're talking about how we expect to spend \$500,000 we get from SB1 ballot measure? Is the true that we're spending about 2.6 million dollars a year within the city of Marina on roads? The rest of the \$2.6 million where will that be coming from? Now does that with that measure X money go away, in a sense, when we start to bond it or we still get to spend \$600,000 a year here plus use it for bond revenue? Exhibit A total sum is \$2.1 million, where's the other 500,000 going to be spent to make the 2.6 million that we spend this year? Is there a posting of the street maintenance program?

DELGADO/BIALA: TO APPROVE ADOPTING RESOLUTION NO. 2022-76, ADOPTING AN UPDATED LIST OF PROJECTS FOR FISCAL YEAR 2022-23 FUNDED BY SB1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017. 4-0-0-1(Medina Dirksen) Motion Passes by Roll Call Vote.

Public Comments:

- Tommy Bolea – Asked Council and staff when Andrew Circles would be replaced.

- d. City Council consider adopting **Resolution No. 2022-77**, authorizing pursuit of a lease agreement with the Transportation Agency of Monterey County (TAMC) to lease a portion of the Monterey Branch Line to be used for recreational purposes; and selecting an operator for the Monterey Branch Line and determining the term of lease for the operator.

Council Questions: Who has the right of way at on the coastal trail where the bike lane crosses the tracks? Any safety measures in that area? Are we adding any additional rates to the TAMC rate to cover city admin costs? If we are selecting a vendor tonight is there another packet of information that give financials for the proposed vendors? Are they required to obtain a business license? Do we tax, the service itself per car? Is there any kind of other than a monthly rental for the for the track? Can we, extract per car or per passenger tax? Do we know about how much income they were generated last time, or have statistics of customers or incidental increases in our hotels or our restaurants? What kind of charges would it now be compared to last year? What are the benefits for Marina? On Exhibit A, who put down this list of concerns and do we have answers? Did the vendors see this list of concerns and respond to them? Do we expect for the California Coastal Commission to have to be involved in any way? What about the County? Does a CEQA review need to be done? The 2 proposal we've gotten so far, do they propose a year-round lease or limited number of months? Would it be appropriate for the city to recoup its cost that the city charge and application fee to cover the time it takes staff to go through that phase, and then, later on charge a winning vendor fee you know an operating fee, so the vendor that was selected in order to recoup the cost the city has after selection?

Public Comments:

- Denise Turley – Asked what about noise abatement from the potential riders and cars? Asked if it was possible to ride the carts one-way do some shopping and ride the carts back?
- Tuka – Enjoyed helping out last year when this was here. Addressed the concern about cross traffic on the rails. Think it's a great opportunity to be out there again and looks forward to working out there again this summer with the Clark family, and running the handcars and sharing the experience and stories with different people from all walks of life.
- Brian Jacobsen – Extremely grateful council has chosen to embrace this enterprise of managing this piece of track so that this event can happen again. Supports the Clarks family knowing they can turn it into a great historical educational event.
- Scott Shapely – Had the pleasure of riding on the cars a few times last year we brought and brought some friends from out of town, and they had a really great experience. The Clark family help to clean up the tracks of high weeds and fixed part of the tracks. It's a just a really cool endeavor for everyone to enjoy.
- Karen Andersen – Supports the Clark family. Awesome experience to help prep the tracks and save some plants out there last summer before they things started. Enjoyed riding the carts and look forward to the opportunity to do it again. Hopes the Council will support the Clark family
- Laura Hoover – Thanked Council for considering this proposal and supports the Clark family. This is a unique opportunity for Marina

BIALA/BERKLEY: TO APPROVE RESOLUTION NO. 2022-77, AUTHORIZING PURSUIT OF A LEASE AGREEMENT WITH THE TRANSPORTATION AGENCY OF MONTEREY COUNTY (TAMC) TO LEASE A PORTION OF THE MONTEREY BRANCH LINE TO BE USED FOR RECREATIONAL PURPOSES; AND SELECTING MUSEUM OF HANDCAR TECHNOLOGY AS THE OPERATOR FOR THE MONTEREY BRANCH LINE AND DETERMINING THE TERM OF LEASE FOR THE OPERATOR. 3-0-0-2(Medina Dirksen, Burnett) Motion Passes by Roll Call Vote

- e. City Council receive presentation on the long-term vision and fiscal sustainability, hangar and infrastructure needs and solutions, and potential financial support from the Military Assistance Program for the Marina Municipal Airport. ***Continued to June 21, 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 10:58 P.M.

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor