



## AGENDA

Tuesday, June 21, 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)  
  
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. Performance Evaluation of Public Employee, Unrepresented Employee (CA Govt. Code Section 54957(b)(1) – City Manager

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

Robert Wellington, City Attorney reported out Closed Session: The matter that was taken up was a single item that's on the agenda of a performance evaluation of an unrepresented public employee, namely, the city manager the Council discussed that matter at length. There was substantial discussion, but no reportable action was taken

4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
  5. SPECIAL PRESENTATIONS:
    - a Civil Disobedience Day Proclamation
    - b Blue Zone Presentation
  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.*
  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.*
- Layne Long, City Manager – Provided two recreation announcements related to July 4<sup>th</sup> events. Spoke about the city issued a Certificate of Participation which essentially, is a bond for our 2022 Traffic Transportation Infrastructure here in the city for \$11.5 million dollar that we will pledge our measure X money. We're getting a lump sum of cash up front that we're moving forward with a massive reconstruction of failing roads and getting all our roads up to the condition we want that process will happen over the next couple of years. Announced that our August 2<sup>nd</sup> Council meeting will be cancelled and rescheduled due to Public Safety Night Out taking place on August 2<sup>nd</sup>. Announced that the city has hired independent public opinion research firm will be sending out surveys to on a random basis to our citizens that to get feedback on key issues and identify priorities of the city and the community.
  - Doug McCoun, Fire Chief – Announced Safe and Sane Fireworks will begin to be sold starting June 28<sup>th</sup> and took a moment to talk about the differences between Safe and Sane and Illegal fireworks. Asked if somebody observes illegal fireworks being used and there's no injuries to call the non-emergency dispatch number 831-384-7575 and they will send out the appropriate response for right non-emergency call. Spoke about the fines: the first offenses \$333.92 cents. The second offense, which is \$533 dollars, and a third is over a \$1,000.

- Council Member Medina Dirksen – Commented on that Friends of the Marina Library had a wonderful event the Dad's Read featuring Nick Kite. Spoke about the Marina Teen Center membership and summer activities. Commented on Monterey County Gives program. Attended Seaside's Juneteenth celebration. Spoke about Veterans Standdown event at the Monterey Fairground. Attended the Hospitality Associations luncheon on June 10<sup>th</sup>.
- Council Member Berkley – Spoke about the warm weather and the effects it has on our pets. Announced that at 4:00pm tomorrow will be an official Pride Flag raising ceremony at the flagpole at City Hall
- Mayor Delgado – Commented on the Police Chief Nieto's November Sheriff runoff. Commented on the youth summer programs and Junior Giants and Marina Youth Soccer. Commented on the Pump Track groundbreaking and asked when the Pump track might be opened. Spoke about the Handcars that have started to show up for the summer and asked for an update on the lease with TAMC. Announced there will be cleanup events happening in July. On July 3<sup>rd</sup> from 9:30 to 1230 along Salinas Avenue & Carmel Ave Road; on July 10<sup>th</sup> at Salinas Avenue & Reservation Road from 9:30-12:30. Commented on graffiti removal by retired Marina Police Commander Robert Nolan along some residential areas along Patton Parkway and our downtown area.
- Mayor Pro Tem Biala – Asked City Manager to provide an update/memo on all the construction projects going throughout the city in the meeting packet just to let the public know what's going on.
- Mike Owen – Spoke re-engagement of city commissions and asked if the City Manager could place this on a future agenda in August.
- Brian McCarthy – Commented on the need for tobacco control and the Blue Zone project and noted other cities banning flavored tobacco and vapes. Played a short video clip on "the filter" and smoker safety.
- Jeff Markham – Commented on the police department apprehending an individual who had stolen a bicycle and returning it to the owner; spoke about a fire at Patton and how quick our fire department put it out.
- Tommy Bolea – Commented on buying locally but also having to travel outside of Marina due to items not being sold here or certain businesses not being here. Spoke about a virtual city and purchasing online. Commented on the developments taking place throughout the city.

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 100086 -100164, totaling \$1,228,737.44  
Accounts Payable for Successor Agency Check Numbers 89, totaling \$2,970.00

b. MINUTES:

- (1) May 17, 2022, Regular City Council Meeting
- (2) June 7, 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. 2022-78**, 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 June 21, 2022, through July 30, 2022.
- (2) City Council consider adopting **Resolution No. 2022-79**, authorizing release of a Request for Proposals for Consultant Services to prepare a comprehensive General Plan Update and accompanying zoning code and map updates, and appropriate CEQA review; 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. 2022-80**, approving estimated cost for service for calendar year 2022, Fourth of July activities; and setting cost recovery surcharge at six (6%) percent for calendar year 2022 pursuant to Marina Municipal Code Section 15.32.580.

g. APPROVAL OF AGREEMENTS:

- (1) City Council consider adopting **Resolution No. 2022-81**, approving a Public Improvement Agreement for Sea Haven Phase 4A between the City of Marina and the Contracting Parties of 104 Investments, LLC, Locans Investments, LLC, Wathen Castanos Peterson Homes, Inc., Wathen Castanos Peterson Coastal, LP, and Marina Developers, Inc., and authorizing the City Manager to execute the Public Improvement Agreement on behalf of the City subject to final review and approval by the City Attorney.
- (2) City Council consider adopting **Resolution No. 2022-82**, authorizing the City Manager to enter into a lease agreement with the Transportation Agency for Monterey County for segments of the Monterey Branch Line corridor between Marina and Sand City so long as the final lease does not significantly alter the terms of the attached draft lease; and subject to final review and approval by the City Attorney.
- (3) City Council consider adopting **Resolution No. 2022-83**, approving the revised Memorandum of Understanding (MOU) between the Monterey Regional Waste Management District and the City of Marina regarding, food waste reduction and organics recycling regulations, incorporating costs anticipated for fiscal year 2022-2023, authorizing the City Manager to execute the amendment subject to final review and approval by the City Attorney, and authorizing the Finance Director to make necessary accounting and budgetary entries.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS:

- (1) City Council Consider adopting **Resolution No. 2022-84**, approving the Phase 4A Final Map for Sea Haven Development Project Subdivision; and consider authorizing the City Clerk to certify the Final Map on behalf of the City subject to final review and approval by the City Attorney.

- j. REPORTS: (RECEIVE AND FILE): None
- k. FUNDING & BUDGET MATTERS: None
- l. APPROVE ORDINANCES (WAIVE SECOND READING): None
- m. APPROVE APPOINTMENTS: None

Karen Andersen questioned if items 8g(1) and 8i(1) considered Sand Gilia?

Council Member Medina Dirksen had questions for 8f(2). Asked how long do General Plans last? Are there plans for annexation of East Garrison?

Mayor Pro Tem Biala had a comment for 8f(2).

**DELGADO/BIALA: TO APPROVE THE CONSENT AGENDA. 5-0-0-0 Motion Passes by Roll Call Vote**

9. PUBLIC HEARINGS:

- a. City Council open a public hearing and consider adopting Resolution No. 2022-, approving the assignment of the Development Agreement related to the Marina Station Project to 3rd Millennium Partners; and read by title only and approve the first reading of Ordinance No. 2022-, approving the first amendment to the development agreement related to the Marina Station Project. ***Continued to July 19, 2022***

Council Questions: Clarification on “project has the capacity”? did you mean water? Clarification, when you mentioned the vernal Ponds testing, did you say it was limited to the city? Will city be notified if testing will be done on the vernal ponds? Are the developers frozen in time with 2008 our rules and standards and are they exempt also from State laws, such as SB 9 or any others? If we were to pass our General Plan before this goes into effect would the developer still be in the 2008 mode to would they be exempt for the new standards? Will a traffic study be completed, and will it be done by the developer? Unlike The Dunes and Sea Haven, this property was never under FORA and had never been Government property, this was a pretty private land sale to now another private owner, correct? The affordable housing agreements are part of our general plan, and that's our only in on this project that it's within the city's spirit influence, so they have to develop this according to this development agreement in our existing general plan, correct? Under the recitals of Exhibit A, #11, this development agreement there will be no other circumstances that would allow for modification outside of these recitals, correct? With a possible recession coming giving them an extension to 2036 would be sufficient buffer given what's happened in the past, correct? This development agreement reads pretty much like the agreements we've had with the Dune and Sa Haven projects, can we anticipate similar outcomes/issues that we've had with the other two? What is the open-space acreage for the entire project? It is all open to the public? The conservation and easements would be part of the Sierra Club lawsuit that generated this outcome, correct? Can we ask in the amendment that the city receive copies of any monitoring and reports on the vernal ponds? If we do not grant an extension does this this project come to a halt? Does a tentative map have an expiration date, or does it go forever? If we didn't approve the amendment, what would they do regarding the final tentative map? How many maps version are there? Why is it called Marine Station? Where was this transit station to be located in the project? So, if we wanted that area that's going to be redesigned as far as the uses residential

commercial retail and we approve everything tonight it seems like we lose a lot of leverage because we can't drastically alter what they propose to do there, correct? So, what we're seeing now has not been approved it hasn't been publicly digested, it's a change from the marine station plan is that correct? Can we see a digestible easy to understand map of the approved park locations and distribution versus the current proposed post Sierra Club settlement distribution and locations of parks? What what's say will we have in the mix of for sale versus rental below market-rate? Has the planning Commission or the City Council ever digested and understood how the Sierra Club settlement agreement with the developers or the property owners back in 2008 impacted our vernal pools and what our give and take was? Have we ever, as a city understood and digested, how that settlement affected changed this project? When can we address evasive grass/weeds and the sand dunes? Coastal access, with the plans today before us now, how do people get from Marina Station development, let's say residential to the coast to the road that goes under the highway across Lapis Road to the beach? Exhibit B, Section 2.4.7 Rent and Price Controls, last paragraph; if the city should pass a rent stabilization, or some form of rent control, it could never apply to this property, correct? Is the wording in that last paragraph negotiable? Are we limited to how many meetings we can have between the Council and Planning Commission to approve this? Is there any rush that we have to address this, this evening? Is it possible to have the inclusionary homes built first?

Mayor opened the Public Hearing for Public Comments:

- Karen Andersen – Commented on the developers accidentally grading away environmentally sensitive plants and asked what are all of your plans to prevent this from happening with the vernal pools and anything else that's environmentally sensitive in this development?
- Tommy Bolea – Asked if this was a Council meeting or a Planning Commission meeting due to the topics being discussed. Asked what is the percentage of renters in Marina? How many rentals will be included in this project? Low income, low market housing agreements were mentioned and asked how do those terms exactly work? Asked about the phasing of the development.
- PK Diffenbaugh – Appreciates the level of scrutiny and review of that council is doing to ensure that this development is the right decision for the city of Marina. Shared perspective from the school perspective how difficult it is for our families and for our teachers to live on the Peninsula. Shared the number of current students who are homeless and the need to have affordable low-income housing. Spoke about the closing of 3 schools.
- Denise Turley – Asked to hear from Karen Tiedemann on the RHNA numbers and how this project will affect them.
- Jeffrey Markham – Asked Council to take time to review this project and not take any action tonight. There's a lot of stuff grandfathered into this and has been on the back burner for a long time and it's a complicated issue. Did not appreciate the tone the developer took with our City Council and our staff tonight.
- Paula Pelot – Commented on the different developments that have taken place over the last 25-years and the fact that new residents would like to have an input into future changes. Noted that with this amendment that now is the time to make changes and see if it conforms to the vision and the values of this city. You are within your rights, and it is your responsibility to ask these questions and to evaluate this project.
- Brian McCarthy – Would like to hear a more candid conversation from both the developer and the financial experts that might educate us on likely outcomes depending on if the economy does right or if the bottom falls out again like it did in 2008. Asked for clarification on rent control provisions, little confusing. Questions council brought up are valid and should be discussed.

9:58 PM

**DELGADO/MEDINA DIRKSEN: TO CONTINUE TO THIS ITEM AND AGENDA ITEM 11b.**  
**5-0-0-0 Motion Passes by Roll Call Vote**

**Delgado/Burnett: that we continue this discussion and let staff decide on what they want to propose as far as the next step, whether it be a workshop or something like that where the public and the council can relax a little bit and discuss these items and questions that have come up; and that council will be given a chance to provide questions for that subsequent discussion format.**

Council discussed on whether this item can be continued to a subsequent meeting date and the Mayor modified his motion to continue this item to July 19, 2022.

Modified Motion

**DELGADO/BURNETT: WE CONTINUE THIS MEETING AND THE PUBLIC HEARING TO JULY 19, 2022, AND ALLOW STAFF TO PROPOSE UNTIL THEN, AND AT THAT POINT, HOW WE'RE GOING TO ADDRESS THE VARIOUS QUESTIONS AND IDEAS THAT CAME UP TONIGHT, AND THAT COUNCIL WILL BE ENCOURAGED TO SEND THEIR QUESTIONS INTO TO BE ABLE TO BE ADDRESSED BY THE DEVELOPER AND OUR STAFF.** 5-0-0-0 Motion Passes by Roll Call Vote

10:35

**BURNETT/BERKLEY: THAT WE CONTINUE TONIGHT UNTIL WE COVER THE PRIDE FLAG ISSUE (11b) AND THE POTENTIAL FUTURE CITY ATTORNEY ISSUE (11a).** 5-0-0-0 Motion Passes 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. 2022-87**, approving an agreement with Noland, Hamerly, Etienne & Hoss to provide municipal legal services to the City of Marina; and approve a waiver of conflict of interest and consent to represent the City of Marina; and authorize the City Manager to execute the agreement and waiver.

Council Questions: Given what you've seen in our city council meetings, are they fairly typical of other city council meetings?

**BIALA/BERKLEY: TO ADOPT RESOLUTION NO. 2022-87, APPROVING AN AGREEMENT WITH NOLAND, HAMERLY, ETIENNE & HOSS TO PROVIDE MUNICIPAL LEGAL SERVICES TO THE CITY OF MARINA; AND APPROVE A WAIVER OF CONFLICT OF INTEREST AND CONSENT TO REPRESENT THE CITY OF MARINA; AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT AND WAIVER. 5-0-0-0 Motion Passes by Roll Call Vote**

Public Comments:

- Denise Turley – Spoke about Rob Wellington at one of the city’s past council meetings. Indicated that the new interim city attorney, Heidi shouldn’t have to state what district she lives in.
- Paula Pelot – Expressed her gratitude to Rob Wellington for all the work that he’s done over the years. Had a question about the waiver of the conflict of interest with this firm representing Marina and Cal-Am Desal? How would that be handled in closed session with the attorneys of this new firm, who may be also representing the water district or the district?

- b. City Council consider adopting **Resolution No. 2022-85**, adopting the City of Marina Flagpole Policy; and consider adopting **Resolution No. 2022-86**, approving the flying of the Rainbow Pride Flag at City Hall throughout the remainder of the month of June 2022 as further recognition of June 2022 as Lesbian, Gay, Bisexual, Transgender, Queer, Plus (LBGTQ+) Pride Month in the City of Marina.

Council Questions: Can we add into the policy “consistent, commemorative flag shall be displayed at city facilities”? Can we add to the motion the Pride Flag to be flown not just for the remainder of the June 2022, but to include that in it will be at and every year after that, for the duration of gay pride month? Can we include in motion to fly flag from June 22-July22, since we’re starting late on raising this flag? Can we add additional language to the policy says and or when council deems appropriate?

**BERKLEY/MEDINA DIRKSEN: TO APPROVE RESOLUTION NO. 2022-85, ADOPTING THE CITY OF MARINA FLAGPOLE POLICY WITH ADDING THE WORD “CONSISTENT” TO THE THIRD PARAGRAPH OF EXHIBIT A TO NOW READ “CONSISTENT COMMEMORATIVE FLAGS SHALL BE DISPLAYED AT CITY FACILITIES”. 5-0-0-0 Motion Passes by Roll Call Vote**

**BERKLEY/BURNETT: TO APPROVE RESOLUTION NO. 2022-86, APPROVING THE FLYING OF THE RAINBOW PRIDE FLAG AT CITY HALL THROUGHOUT THE REMAINDER OF THE MONTH OF JUNE 2022 THROUGH JULY 22, 2022; AND EVERY MONTH OF JUNE EACH YEAR THEREAFTER. 5-0-0-0 Motion Passes by Roll Call Vote**

Public Comments:

- Liesbeth Visscher – Thanked everyone for working and this and looks forward to seeing those flags here in Marina.
- Brian McCarthy – This is a great step to show the rest of the city that we're an incredibly diverse city. Thinks this is a great start.

- c. 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 from 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 11:23 P.M.

\_\_\_\_\_  
Anita Sharp, Deputy City Clerk

ATTEST:

\_\_\_\_\_  
Bruce C. Delgado, Mayor