



## MINUTES

Tuesday, July 19, 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 2022-78, 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: Cristina Medina Dirksen, Mayor Pro-Tem/Vice Chair Kathy Biala, Mayor/Chair Bruce C. Delgado  
  
MEMBERS ABSENT: David Burnett (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. Labor Negotiations
  - i. Marina Employee Association
  - ii. Marina Professional Fire Fighters Association

City Negotiators: Layne P. Long, City Manager and Employee Relations Officer

- b. Conference with Legal Counsel, Potential litigation, exposure to litigation per: "Conference with Legal Counsel – anticipated litigation, significant exposure to litigation pursuant to paragraph (2)(d) of CA Govt. Code sec. 54956.9 – One potential case
- c. Real Property Negotiation
  - i. Property: Commercial property at southeast corner of Del Monte Blvd. and Palm Avenue (APN 032-303-038) and residential property at Hayes Circle and 3<sup>rd</sup> Avenue (APN 032-303-039, a portion)  
Negotiating Party: George Powell  
Negotiator(s): City Manager  
Terms: Price and Terms

**7:30 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION**

Heidi Quinn, City Attorney reported out Closed Session: Council met at 5:00 p.m. with the three items listed. In regard to all three items 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 National Night Out Proclamation
  - b Tahra Goraya, Monterey Bay Economic Partnership
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.*
  - Sean Reese, Field Rep for NorCal Carpenters Union – Spoke about ensuring the future of our construction, industry, and our community that begins with the pre-qualification language of our local developments, hiring locally and ensuring proper healthcare benefits. Local hiring policies are needed. Commented on their apprenticeship programs. Hoping to have a sit-down with city staff.
  - Mike Owen – Commented on SB330 streamline process and anxious about turning his application for the Tree Committee in anticipation that something might happen at the end of August. Spoke about the process for becoming a Tree Committee member and about development areas that will require trees to be removed.

- Tim Favalor, Field Rep for Local 605 – Wanted to discuss some building policies that would elevate labor construction standards and provide solid work operators for carpenters in our community and some of those policies include apprenticeships while also providing solid careers for workers in our community and help reduce greenhouse emissions.
- Tommy Bolea – Commented on the City going to the voters for a \$50 million bond to construct new buildings versus using current fund to fix the issues with the buildings we already have. Noted the city should not leave the future generation in debt.

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 EFT's & Check Numbers 100268-100348, totaling \$1,454,575.26  
Accounts Payable for Successor Agency Check Number 90, totaling \$2,380.00

b. MINUTES:

- (1) June 21, 2022, Regular City Council Meeting
- (2) July 6, 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. 2022-94**, 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 July 22, 2022, through August 20, 2022.

g. APPROVAL OF AGREEMENTS:

- (1) City Council consider adopting **Resolution No. 2022-95**, approving Public Improvement Agreements for the Terracina Project at the Dunes – Sites 1 & 2 between the City of Marina and USA Properties Fund, Inc., and; authorizing the City Manager to execute the Public Improvement Agreements on behalf of the City subject to final review and approval by the City Attorney.

- (2) City Council consider adopting **Resolution No. 2022-96**, approving a contract with Rincon Consulting and Veronica Tam to provide urban planning services to complete the Sixth Cycle Housing Element for an amount not to exceed \$300,000; and authorize the Finance Director to make necessary accounting and budgetary entries, and authorize the City Manager to execute a contract amendment on behalf of City with Rincon Consulting subject to final review by the City Attorney.
  - (3) City Council consider adopting **Resolution No. 2022-97**, approving the Animal Services Agreement between the City of Marina and the County of Monterey; and authorize Animal Services Agreement with the County of Monterey effective 07/01/2022 through 06/30/2024.
- h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None
  - i. MAPS:
  - j. REPORTS: (RECEIVE AND FILE): None
  - k. FUNDING & BUDGET MATTERS: None
  - l. APPROVE ORDINANCES (WAIVE SECOND READING):
    - (1) City Council consider adopting **Ordinance No. 2022-03**, approving Amendments to Title 17 of the Municipal Code by adding Sections 17.45.
    - (2) City Council consider adopting **Ordinance No. 2022-04**, approving Amending Chapter 17, Article 5, by adding a new section 17.49, “Low-barrier Navigation Center”, to the Marina Municipal Code.
  - m. APPROVE APPOINTMENTS: None

Council Member Medina Dirksen had a question for item 8a – Wanted to know what the payment to Save the Whales was for.

**DELGADO/MEDINA DIRKSEN: TO APPROVE THE CONSENT AGENDA. 3-0-0 (Burnett, Berkley)-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 from June 21, 2022***

Public Comments:

- Les Martin – Noted the plan for this project looks fantastic and was impressed and building of affordable houses is something that needs to be done. Supports moving forward
- PK Diffenbaugh – Spoke as an individual as the MPUSD board hasn't taken any position on this project. This project will have a significant impact on the district in a variety of ways. Noted that currently about 20% of our student population qualifies as homeless under the McKinney Vento Act. A large percentage around 500 kids live in the city of Marina looking at the very low-income housing potentially I could see 80 plus students be able to have an affordable home and move out of homelessness would be probably the single greatest impact of the project. Need housing for

teachers as well under the moderate-income. Asked that you take that seriously into your consideration and hopeful that you'll move forward tonight.

- Tommy Bolea – Asked how many renters versus homeowner were? Is there a ratio or these are going to be more homeowners or more renters? How long are the deed restriction in place for? Noted the current local schools look like an airport with all the cars. Wondered if kids actually rode their bikes to school. Asked if Council knew how many students come from out of the district? Wanted to know how much grass area is there in this project?
- Jeff Markham – Asked if Third Millennium Partners selected a development partner at this time to do architecture and construction of the actual housing units and commercial units? Also asked since it abuts up to farmland is there any additional environmental consideration that need to be taken into effect to approve a project such as such as this so close to farmland?

Mayor Delgado closed the public comment period

Council Questions: Fire Station, can you tell us just a little bit, or review one of the amendments, not the amenities, what you will be doing to assist with the need for fire service in my part of town by Walmart? Would you mind quickly telling us what those fees and tail how many it might be? Correct me Karen our city outside council and city manager, it looks like about \$800,000. is that correct? Dustin is you're asking us for what tonight can you just break that down really quickly, we were talking 3, and now we're talking to him what is it that you need? The reason for such the delay, cause I had found some documents that said he needed from 2018. I think it needed. I think it was like no more than 15 years to build just what happened to delay it this long?

**DELGADO/BIALA: that we accept the presentation information, and we direct Staff to come back as soon as comfortable for the developer and staff regarding these issues we brought up at our last meeting, and tonight**

Council Member Medina Dirksen asked if the motion could be restated

Restated Motion

Delgado/Biala: to accept the presentation and direct staff to come back on August third with a summary and some clarification on the issues that we brought up at our last meeting

Council Member Medina Dirksen asked for a friendly amendment, that this information that we've received in the reports and anything else that's releasing is made public on our website in a place that's easy to find.

Mayor Delgado included in the friendly amendment, would include, I think, the July eighth, 2022, Anthony Lombardo and associate's letter to the late to the city manager and any agreements settlement agreements if possible.

**Final Motion**

**DELGADO/BIALA: TO ACCEPT THE PRESENTATION; AND DIRECT STAFF TO COME BACK ON AUGUST THIRD WITH A SUMMARY AND SOME CLARIFICATION ON THE ISSUES THAT WE BROUGHT UP AT OUR LAST MEETING; AND THAT THIS INFORMATION THAT WE'VE RECEIVED IN THE REPORTS AND ANYTHING ELSE THAT'S RELEASING IS MADE PUBLIC ON OUR WEBSITE IN A PLACE THAT'S EASY TO FIND; AND WOULD INCLUDE, THE JULY EIGHTH, 2022, ANTHONY LOMBARDO AND ASSOCIATE'S LETTER TO THE LATE TO THE CITY MANAGER AND ANY AGREEMENTS SETTLEMENT AGREEMENTS IF POSSIBLE. 3-0-0 (Burnett, Berkley)-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).***

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 9:05 P.M.

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Anita Sharp, Deputy City Clerk

ATTEST:

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Bruce C. Delgado, Mayor