



MINUTES

Tuesday, February 7, 2023

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 2023-01, 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, 2023, 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: Liesbeth Visscher, Brian McCarthy, Kathy Biala, Mayor Pro-Tem/Vice Chair Cristina Medina Dirksen, Mayor/Chair Bruce C. Delgado

3. PUBLIC COMMENT ON CLOSED SESSION:

4. CLOSED SESSION:

- a. Conference with Legal Counsel, five (5) case of existing litigation pursuant to paragraph (1) of subdivision (d) of CA Govt. Code Section 54956.9:

(1) Appeal No. A-3-MRA-19-0034 by California American Water Company, et. al., to the California Coastal Commission over Denial by the City of Marina for a Coastal Development Permit for Construction of Slant Intake Wells for the

Monterey Peninsula Water Supply Project; (2) Appeal by the City of Marina and Marina Groundwater Sustainability Agency of Monterey County Superior Court Case No. 19CV005270, City of Marina and Marina Groundwater Sustainability Agency v. County of Monterey; Monterey County Board of Supervisors; County of Monterey Groundwater Sustainability Agency; California Department of Water Resources (DWR); and Director Karla Nemeth in her official capacity; (3) City of Marina v. RMC Lonestar, RMC Pacific Materials LLC, California-American Water Company, Marina Coast Water District, and Monterey County Water Resources Agency, Monterey County Superior Court Case No. 20CV001387; (4) California-American Water Company v. All Persons Interested in the Validity of the City of Marina Groundwater Sustainability Agency's Sustainability Plan for the Marina GSA Area of the 180-/400-foot Aquifer Subbasin; City of Marina; City of Marina Groundwater Sustainability Agency and does 1-50; and (5) City of Marina, et al. v. All Persons Interested in the Validity of the Monterey County Groundwater Sustainability Plan, Monterey County Superior Court Case No. 21CV000493.

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

Mayor Delgado reported out Closed Session: Council received information from its Special Legal Counsel, Skip Spaulding, discussion took place and no action was taken.

5. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
6. SPECIAL PRESENTATIONS:
 - a. Wreaths Across America Mobile Education Exhibit Proclamation.
7. COUNCIL AND STAFF ANNOUNCEMENTS:
 - Brian McMinn – looking for volunteers to help with the odor study. Go to the www.cityofmarina.org and hit in the news, scroll down to the order attribution study, and click on that. People can email to odorstudy@cityofmarina.org with your name, phone and email address to be considered. Study to take place near the end of February.
 - Council Member Biala – Attended the New Mayor/City Council Academy in southern California had done some networking. Spoke about Marina being a small community and the challenges being more that normal politicians. Reminded the citizens that her personal goal has always been to have good relations in this community. Noted council members are tasked to make decisions on every item on the agenda but in doing so faced with being criticized not only the issues, but criticizes being morally lacking or not caring or abandoning previous values, or not worthy to represent people; and if the public's assumptions is that when council members don't vote in the way that they think they should, then it's okay for people to be disrespectful towards essentially a non-paid volunteer who's just a regular marina citizen just like them.
 - Mayor Pro Tem Medina Dirksen – Attended the League of California's 2023 New Mayor/City Council Academy, it was a good experience learning from others and networking. Announced it was Black History month and noted that Lavisha Franklin is putting on a Queen's Council movie titled Aftershock on Friday at the Marina Library. Announced that Dad's Read will take place at the Marina Library this Saturday with the food bank giving out food.

- Council Member Visscher – Also attended the League of California’s 2023 New Mayor/City Council Academy. Echo’s Council Member Biala’s comments. Announced that MST will be hosting public community meetings on the Surf Busway/Surf-line/Rapid Bus-Transit on February 13th at the Marina Library at 5:00pm and on February 14th & 15th at the Boys and Gils Club in Seaside.
- Mayor Delgado – Spoke about the big discussion going on amongst Marina residents regarding the cardroom ordinance. Thanked the many volunteers that continue to help out with the clean-ups and the planting of native plant at the future Hilltop Park. Next planting event is on March 4th at 1:00pm.

8. **PUBLIC COMMENT:** *Any member of the public may comment on any matter within the City Council’s jurisdiction that is not on the agenda. This is the appropriate place to comment on items on the Consent Agenda. Action will not be taken on items not on the agenda. Comments are limited to a maximum of three (3) minutes. General public comment may be limited to thirty (30) minutes and/or continued to the end of the agenda. 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. Whenever possible, written correspondence should be submitted to the Council in advance of the meeting, to provide adequate time for its consideration.*

- Cathy Imamura – Thanked council for delaying the Wreaths Across America Mobile Education Exhibit presentation, still awaiting final approval from Dunes Shopping Center. Spoke about the purpose of the Wreath Across America Mobile Education Exhibit and what it means to many veterans.
- Nancy Amadeo – Commented about the Dolphin project created by Candy Myers-Owen where dolphins have been placed around Marina. Wanted to inform everyone that there is one more dolphin that needs to be placed and believes it was to be placed at the round-a-bout at Imjin Parkway and Preston Drive. Believes the cost for this project was \$10,0000 and Marina In Motion has currently received \$6,230 in donations to help bring the final placement a reality. If you would like to donate leave a message on the Facebook page, or you can email marinainmotion@gmail.com a form will be sent and you fill out and mail in to our post office box address on the form.

9. **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 and non-controversial. 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 City Council may ask a question or make a comment about an agenda item and staff may provide a response. If discussion or a lengthy explanation is required, the Council may remove an item from the Consent Agenda for individual consideration. If an item is pulled for discussion, it will be placed at the end of Other Action Items Successor Agency to the former Marina Redevelopment Agency.*

10. **CONSENT AGENDA:** *These items are considered to be routine and non-controversial. All items under the Consent Agenda may be approved by one motion. Prior to such a motion being made, any member of City Council may ask a question or make a comment about an agenda item and staff may provide a response. If discussion or a lengthy explanation is required, Council may remove the item from the Consent Agenda and it will be placed at the end of Other Action Items.*

- a. ACCOUNTS PAYABLE: *(Not a Project under CEQA per Article 20, Section 15378)*
 - (1) Accounts Payable Check Numbers 101633-101723, totaling \$757,372.32.
- b. MINUTES: *(Not a Project under CEQA per Article 20, Section 15378)*
 - (1) January 18, 2023, Regular City Council Meeting
- c. CLAIMS AGAINST THE CITY: None
- d. AWARD OF BID: None
- e. CALL FOR BIDS: None
- f. ADOPTION OF RESOLUTIONS: *(Not a Project under CEQA per Article 20, Section 15378)*
 - (1) Adopting **Resolution No. 2023-07**, 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 February 19, 2023, through February 28, 2023.
 - (2) Adopting **Resolution No. 2023-08**, approving the salary range adjustment for Planning Manager.
 - (3) Adopting **Resolution No. 2023-09**, approving the allocation of \$165,000 for emergency fire sprinkler system repairs at 761 Neeson Road.
- g. APPROVAL OF AGREEMENTS:
 - (1) Adopting **Resolution No. 2023-10**, authorizing an interlocal contract for cooperative purchasing of goods and services with the BuyBoard.
- 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):
 - (1) Read by Title Only and adopting **Ordinance No. 2023-01**, amending Chapter 17, Article 4, of the Marina Municipal Code by adding a new Section 17.48.130 “Affordable Housing Overlay” and amending Section 2.28 of the Marina General Plan.
- m. APPROVE APPOINTMENTS: *(Not a Project under CEQA per Article 20, Section 15378)*
 - (1) Adopting **Resolution No. 2023-11**, approving the appointment four people to the Tree Committee.

Mayor Pro Tem Medina Dirksen, 10b(1) correction to page two of the minutes to reflect “handcar.com”

BIALA/MCCARTHY: TO APPROVE THE CONSENT AGENDA WITH NOTED CORRECTIONS TO 10b(1). 5-0-0-0 Motion Passes by Roll Call Vote

11. **PUBLIC HEARINGS:** *In the Council's discretion, the applicant/proponent of an item may be given up to ten (10) minutes to speak. All other persons may be given up to three (3) minutes to speak on the matter.*
 - a. Open a public hearing and consider amending Title 17 (Zoning Ordinance) of the Marina Municipal Code and add Section 2.37.1 to the General Plan in response to Senate Bill 478. This state law encourages the adoption of policies that support missing middle housing projects. *The proposed amendments are exempt from CEQA per Section 15061(b)(3) of the CEQA Guidelines. Continued from January 18, 2023.*

Mayor opened the public hearing for comments:

- Tommy Bolea – Commented that it would be nice to have a little balance of smaller guys, or local people that could try to keep Marina sustainable through smaller development vs. larger developments coming in and change in our landscape. Asked about low-income requirements and the percentage of low-income housing.

DELGADO/BIALA: THAT WE APPROVED THE FIRST READING OF ORDINANCE NO. 2023-, AMENDING TITLE 17 (ZONING ORDINANCE) OF THE MARINA MUNICIPAL CODE AND ADD SECTION 2.37.1 TO THE GENERAL PLAN IN RESPONSE TO SENATE BILL 478. THIS STATE LAW ENCOURAGES THE ADOPTION OF POLICIES THAT SUPPORT MISSING MIDDLE HOUSING PROJECTS. 5-0-0-0 Motion Passes by Roll Call Vote

- b. Open a public hearing, take public testimony, and consider adopting an Ordinance amending Section 17.46 (Signs) of the Marina Municipal Code. *The proposed amendments are exempt from CEQA per section 15061(b)(3). This item to be continued to March 7, 2023.*
12. **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. Members of the public may be given up to three (3) minutes to speak.*
 - a. Adopting **Resolution No. 2023-01 (SA-MRA)**, taking the final actions required to issue tax increment bonds for the Dunes on Monterey Bay project, including approving the form and authorizing distribution of two preliminary official statements in connection with the offering and sale of two series of tax allocation bonds by the Successor Agency to make payments on an enforceable obligation, and approving related documents and actions.

Public Comments: None received.

MEDINA DIRKSEN/VISSCHER: THAT WE TAKING THE FINAL ACTIONS REQUIRED TO ISSUE TAX INCREMENT BONDS FOR THE DUNES ON MONTEREY BAY PROJECT, INCLUDING APPROVING THE FORM AND AUTHORIZING DISTRIBUTION OF TWO PRELIMINARY OFFICIAL STATEMENTS IN CONNECTION WITH THE OFFERING AND SALE OF TWO SERIES OF TAX ALLOCATION BONDS BY THE SUCCESSOR AGENCY TO MAKE PAYMENTS ON AN ENFORCEABLE OBLIGATION AND APPROVING RELATED DOCUMENTS AND ACTIONS. 5-0-0-0 Motion Passes by Roll Call Vote

13. 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. Members of the public may be given up to three (3) minutes to speak.

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. Read by Title Only and adopting Ordinance No. 2023-, amending Marina Municipal Code (MMC) Chapter 5.32 (Cardrooms) to modify the criteria for the transfer of cardroom permits pursuant to MMC 5.32.090 and to amend MMC Sections 5.32.102 to remove the moratorium on new cardroom permits and 5.32.106 to clarify no more than two cardroom permits. *The proposed amendments are exempt from environmental review per Section 15060(c)(2) of the CEQA Guidelines.*

The following persons spoke in opposition of this item: Denise Turley, Hans Ongchua, John Snivley, Mia Nguyen, Jeff Marham, Nancy Amadeo, Margaret Davis, Scott Clegg, Grace Silva-Santella, Mike Moeller, John & Linda Sanders, Greg Furey, Tommy Bolea, Margaret-Ann Coppernoll, Mike Kennedy, Karen Andersen, Skip Kadish, Nancy Fortman

Frank Calamia, Marina Club opposes this change but would like help is changing the code to allow him to make more improvement to his building beyond the 25% as stated in the Code.

The following person spoke in favor of this item: John Park

Biala/Visscher: to deny the proposed change ordinance, and direct the staff to come back to council to look at 3 issues: (1) the possibility of identifying another card room location or locations in the city to establish permitted zoning uses for new or existing card room properties which you'll remove that current nonconforming land, use zoning for the current properties; (2) streamline the permit, transfer provisions in the current ordinance; and (3) changing the number of tables per permit, from 10 to some number under 20.

Restated Motion by Council Member Biala: to deny the proposed changed ordinance and direct staff to come back to council to look at 3 issues: (1) the possibility of identifying other cardroom locations in the city to establish permitted zoning uses for a new or existing card room property; (2) to streamline the permit transfer provisions in the current ordinance; and (3) changing the number of tables per permit from 10 to 15

Council Member McCarthy requested a friendly amendment: that we involve the public to a great extent, in the same way that we do for other issues, you know, proactively reach out on this issue; and discuss nonconforming uses in general.

Council Member Biala accepted that friendly amendment of saying that it involves a study session/ public meeting, on these issues.

Final Motion

BIALA/VISSCHER: TO DENY THE PROPOSED CHANGED ORDINANCE AND TO DIRECT STAFF TO (1) THE POSSIBILITY OF IDENTIFYING OTHER CARDROOM LOCATIONS IN THE CITY TO ESTABLISH PERMITTED ZONING USES FOR A NEW OR EXISTING CARD ROOM PROPERTY; (2) TO STREAMLINE THE PERMIT TRANSFER PROVISIONS IN THE CURRENT ORDINANCE; AND (3) CHANGING THE NUMBER OF TABLES PER PERMIT FROM 10 TO 15; (4) INVOLVES A STUDY SESSION/PUBLIC MEETING ON THE ISSUES; AND (5) DISCUSS NONCONFORMING USES IN GENERAL. 5-0-0-0 Motion Passes by Roll Call Vote

- b. Adopting Resolution No. 2023-, consider modifications to remove the required façade improvements and grant an extension of the site improvements in City Council Resolution No. 2020-65 to January 3, 2024, for the combined medical/adult cannabis dispensary use at 3100 Del Monte Boulevard (APN 032-192-018-000); *This project is exempt from CEQA per Article 19, Section 15301 (existing facilities).* ***Continued from November 15 and December 6, 2022 – Continued to February 22, 2023***
- c. Consider public meeting format after February 28, 2023; and provide direction to staff. ***Continued to February 22, 2023***

14. COUNCIL & STAFF INFORMATIONAL REPORTS:

- a. Monterey County Mayor's Association [Mayor Bruce Delgado]
- b. Council reports on meetings and conferences attended (Gov't Code Section 53232).

15. ADJOURNMENT: The meeting adjourned at 10:23 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor