



MINUTES

Tuesday, August 15, 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**

THIS MEETING WILL BE HELD IN PERSON AND VIRTUALLY (HYBRID).

Council Chambers
211 Hillcrest Avenue
Marina, California

AND

Zoom Meeting URL: <https://zoom.us/j/730251556>

Zoom Meeting Telephone Only Participation: 1-669-900-9128 - Webinar ID: 730 251 556

PARTICIPATION

You may participate in the City Council meeting in person or in real-time by calling Zoom Meeting via the weblink and phone number provided at the top of this agenda. Instructions on how to access, view and participate in remote meetings are provided by visiting the City's home page at <https://cityofmarina.org/>. Attendees can make oral comments during the meeting by using the "Raise Your Hand" feature in the webinar or by pressing *9 on your telephone keypad if joining by phone only.

The most effective method of communication with the City Council is by sending an email to marina@cityofmarina.org. Comments will be reviewed and distributed before the meeting if received by 5:00 p.m. on the day of the meeting. All comments received will become part of the record. Council will have the option to modify their action on items based on comments received.

1. CALL TO ORDER: 5:02 PM
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/Chair Bruce C. Delgado

MEMBERS ABSENT: Mayor Pro-Tem/Vice Chair Cristina Medina Dirksen (Excused)
3. PUBLIC COMMENTS ON CLOSED SESSION: None received

4. CLOSED SESSION:

- a. Conference with Legal Counsel – Existing Litigation (§ 54956.9): Frank Lambert vs. City of Marina, Monterey County Superior Court Case No. 22CV000665
- b. Property: Los Animas Concrete, 499 9th Street, Marina, CA
Negotiating Party: Paul J. Bruno
Negotiator(s): City Manager
Terms: Price and Terms
- c. Property: Tarmac Area, 3200 Imjin Road, Marina, CA
Negotiating Party: Joby Aero Inc
Negotiator(s): City Manager
Terms: Price and Terms

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

Heidi Quinn, Interim City Attorney reported out Closed Session: City Council met in Closed Session on 3 items. 4a. Existing Litigation, Frank Lambert vs. City of Marina, the council approved settlement for the amount of \$42,500 with a motion by Mayor Delgado and seconded by Council Member Biala and the city will make those further details known at the next meeting. As to the other 2 items Las Animas Concrete and negotiations with Joby Aero as to both of those items. Directions were given, and no reportable action taken.

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

6. SPECIAL PRESENTATIONS:

- a. Recreation Announcements

7. COUNCIL AND STAFF ANNOUNCEMENTS:

Mayor Delgado – Announced on September 9, 2023, will be the Dr. Martin Luther King Jr. Celebration at the Marina Library from 11:00-2:00pm

Alyson Hunter – Informed council of a change to the resolution for agenda item 10f(1). The dollar amount on page two of the resolution should be corrected to \$497,120.00 which is what is reflected in the grant application.

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.*

- Chandler Roland – Spoke about the MST Surf Line Project. Asked Council to deny project.
- Paul Famer, Monterey Council Business Council – Spoke about the Building Business Back Program offered through their organization.

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 102789- 102954, totaling \$2,589,614.41.
 - b. MINUTES: *(Not a Project under CEQA per Article 20, Section 15378)*
 - (1) July 18, 2023, Regular City Council Meeting
 - (2) July 25, 2023, Special City Council Meeting
 - c. CLAIMS AGAINST THE CITY:
 - (1) Staff recommends that the City Council reject the following claim and direct sending appropriate notice of rejection to claimant: Michael Castillo, C/o Christopher Goodroe, Wilshire Law Firm for a claim received on August 2, 2023.
 - (2) Staff recommends that the City Council reject the following claim and direct sending appropriate notice of rejection to claimant: Juanita Lozano Castillo, C/o Christopher Goodroe, Wilshire Law Firm for a claim received on August 2, 2023.
 - (3) Staff recommends that the City Council reject the following claim and direct sending appropriate notice of rejection to claimant: Israel A. Castillo, C/o Christopher Goodroe, Wilshire Law Firm for a claim received on August 3, 2023.
 - d. AWARD OF BID: None
 - e. CALL FOR BIDS: None
 - f. ADOPTION OF RESOLUTIONS:
 - (1) Adopting **Resolution No. 2023-81**, authorizing staff to submit a non-competitive grant application to the California Coastal Commission in the amount of \$500,000.00 to comprehensively update the City's 1982 Local Coastal Program (LCP).
 - (2) Adopting **Resolution No. 2023-82**, authorizing change in signatories on the Preston Park Sustainable Community Non-Profit Corporation (PPSC-NPC) capital reserve account.

- (3) Adopting **Resolution No. 2023-83 and Resolution 2023-03 (SA-MRA)**, authorizing change in authorized signatories on City General Checking, City Payroll Checking and Successor Agency Checking accounts with Chase JPMorgan.
- (4) Adopting **Resolution No. 2023-84 and Resolution 2023-04 (SA-MRA)**, authorizing change in signatories to open investment accounts and conduct investment activities as outlined by the City's Investment Policy.
- (5) Authorizing staff to prepare a letter of support for Senate Bill 244 (Eggman), Right to Repair Act.

g. APPROVAL OF AGREEMENTS:

- (1) Adopting **Resolution No. 2023-85**, approving Amendment No. 3 to the agreement for Engineering and Building Consulting Services between the City of Marina and CSG Consultants, Inc. of Foster City, California, extending the current contract to June 30, 2025.
- (2) Adopting **Resolution No. 2023-86**, approving a Lease Agreement between the City of Marina and Desert Star Systems, LLC for 3261 Imjin Road (Building 518) at the Marina Municipal Airport.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS:

- (1) Adopting **Resolution No. 2023-87**, accepting the completion of the City of Marina Annual Street Resurfacing 2021 Phase 2 Project.

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

- (1) Receiving Investments Reports for the City of Marina, City of Marina as Successor Agency to the Marina Redevelopment Agency, and Preston Park Sustainable Community Non-profit Corporation (PPSC-NPC) for the quarter ended June 30, 2023.

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS: None

BIALA/DELGADO: TO APPROVE THE CONSENT AGENDA WITH THE NOTED CORRECTION TO AGENDA ITEM 10f(1) RESOLUTION. 4-0-1(Medina Dirksen)-0

- 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 introducing and reading by title only and waiving further reading **Ordinance 2023-09**, adopting a Comprehensive Tobacco Retailer License; and consider introducing and reading the title only and waiving the further reading of **Ordinance 2023-10**, establishing a Smoke Free Public Place.

Mayor opened the public hearing for public comments.

- Kathy Gutierrez, Sunstreet Center – Supports the two tobacco ordinances.
- Tanja Roos, Blue Zone – Supports the two tobacco ordinances.
- Bob Gordon, American Lung Association – Supports the two tobacco ordinances.
- Sheila Phan, Breath California – Supports the two tobacco ordinances.
- Poonam Solanski – Supports the two tobacco ordinances.
- Grace Silva-Santella – Supports the two tobacco ordinances. Asked about enforcement and about the various locations in Marina that would be considered public places that signage will be posted.
- Camille Cummings African American Tobacco Control Leadership Council – Supports the two tobacco ordinances.
- Anne Wheelis, Monterey County Collaborates – Supports the two tobacco ordinances.
- Jeff Markham – Support the passing of the two ordinances.
- Mike M. – Supports the two tobacco ordinances and suggested that advertisements of smoking products be removed altogether.
- Tommy Bolea – Supports the two tobacco ordinances.

City Council discussed legal verbiage for signs posting locations, enforcement, sign designs, tobacco smoke versus cannabis smoke, public outreach on new ordinances, HOA public parks.

MCCARTHY/BIALA: TO APPROVE INTRODUCING AND READING BY TITLE ONLY AND WAIVING FURTHER READING ORDINANCE 2023-09, ADOPTING A COMPREHENSIVE TOBACCO RETAILER LICENSE; AND CONSIDER INTRODUCING AND READING THE TITLE ONLY AND WAIVING THE FURTHER READING OF ORDINANCE 2023-10, ESTABLISHING A SMOKE FREE PUBLIC PLACE. 4-0-1(Medina Dirksen)-0 Motion Passes by Roll Call Vote

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.*
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. Adopting Resolution No. 2023-, approving a Lease Agreement between the City of Marina and New Cingular Wireless PCS, LLC for construction and operation of a telecommunications facility on city owned property at the northwest corner of California and 3rd avenue. ***Postponed to date not certain.***

14. COUNCIL & STAFF INFORMATIONAL REPORTS:

a. Monterey County Mayor's Association [Mayor Bruce Delgado]

Mayor Delgado – Mayor's met in Salinas and had the new speaker of the Assembly of California, Robert Revis, who's a local and looking forward to hearing from the local cities.

b. Council reports on meetings and conferences attended (Gov't Code Section 53232).

Mayor Delgado – thanked Carolina Rivera and Andrea Willer for all their hard work on the upcoming MLK Celebration scheduled for September 9th.

Council Member McCarthy – Attended the AMBAG meeting and there was discussion about looking at the regional growth forecast. Traditionally, they've used employment as a metric to determine growth and this year they're looking at 3 different models. They're looking at the traditional employment only base model and then 2 other models that allow for a little bit more local input. Our next meeting will be adopting a model if you have any input that you'd like to show

City Manager Long – Announced the new Finance Director would be starting this week and will be introduced at our next meeting. Provided update on Police Chief recruitment.

Recreation & Cultural Services Director Willer – provided Council an update on Chaparral and the events at the Marina Equestrian Center.

15. ADJOURNMENT: The meeting adjourned at 8:07 P.M.

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor