



MINUTES

Wednesday, September 6, 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
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: None
4. CLOSED SESSION:
 - a. Conference with Legal Counsel, Existing Litigation (§ 54956.9(d)) 5 cases:

- (1) *City of Marina, et al. vs. California Coastal Commission*, Monterey County Superior Court Case No. 22CV004063.
- (2) *City of Marina, et al. vs. Nemeth, Karla, et al.*, Monterey County Superior Court Case No. 19CV005270.
- (3) *City of Marina, et al. v. RMC Lonestar, et al.*, Monterey County Superior Court Case No. 20CV001387.
- (4) *California-American Water Company v. All Persons Interested in the Validity of the City of Marina et al.*, Monterey County Superior Court Case No. 20CV002436.
- (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.

b. Conference with Labor Negotiators (§54957.6)

Employee organizations:

- i. Marina Employee Association-UWUA
- ii. Marina Professional Fire Fighters Association
- iii. Marina Public Safety Management Employees Association
- iv. Marina Public Safety Managers Association
- v. Marina Middle Manager Association
- vi. Directors
 - i. Assistant City Manager
 - ii. Community Development Director
 - iii. Finance Director
 - iv. Fire Chief
 - v. Police Chief
 - vi. Public Works Director
 - vii. Recreation & Cultural Services Director

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

- c. Conference with Legal Counsel, Anticipated litigation, Significant exposure to litigation pursuant to § 54956.9(d)(2): One case
- d. Property: Los Animas Concrete, 499 9th Street, Marina, CA
Negotiating Party: Paul J. Bruno
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: Council met in closed session on 4 separate items. As to the first item for A I recuse myself due to a conflict of interest, but I did participate in the closed session on items for B, conference with labor negotiators, C, one matter of anticipated litigation and lastly real property negotiations with Los Angeles concrete as to all 3 direction was provided to staff but there was no reportable action.

Mayor Delgado reported out on Closed Session Item 4a: Council received information from our legal consultants and we took no reportable action.

5. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)6. SPECIAL PRESENTATIONS:

- a. Jacob's Heart Proclamation
- b. Tsunami-Ready and Storm-Ready Community Presentation
- c. Below Market Rate Homes Program Kickoff

7. COUNCIL AND STAFF ANNOUNCEMENTS:

- Mayor Delgado – Announced on September 9, 2023, the Dr. Martin Luther King Jr. Sculpture Garden Dedication and Unveiling Ceremony at the Marina Library from 11:00am-2:00pm.
- Mayor Pro Tem Medina Dirksen – Announced on September 9, 2023 the Compass Church “Touch a Truck event from 9 to noon at their Marina campus; and on September 23, 2023, the Monterey Off-Road Cycling association is teaming up with REI and the Community Bike Collective and Recreation staff will be hosting a movie at Glorya Jean Tate Park – Pump Track from 5:30pm-9:00pm the movie will be Esperanto Spoken Worldwide.
- City Manager Long – informed the Council that the current finance director Juan Lopez is leaving the city this Friday and introduced the new finance director, Laura Pruneda.
- Finance Director, Laura Pruneda, introduced herself to the Council and public.

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.*

- Sherise – Representing the African American Tobacco Control Leadership Council and her to support the passage of agenda items 10l(1) and 10l(2).
- Chandler Roland – Commented on the MST Surf Project Passenger Ridership figures mentioned in the MST 2022 Annual Report. Does not support this project
- Pam Mahoney – Agrees with previous speaker on the MST Surf Project, had ridden bus line 20 a half-dozen times in last 6-months and there is was no more than 2 riders each time. Does not support the project.
- Denise Turley – Commented on the BMR Program and asked if someone would be eligible if they already own another home.
- Mike Moeller – Marina Chamber of Commerce hosting a workshop presented by the Monterey County Business Council's Build Back Better team on September 7, 2023, from 3:00-4:00pm at Martinez Hall. Announce recent change in Marina Chamber of Commerce board of directors. Announced on September 23, 2023, Marina Tree and Garden Club will begin work on its newest per-pond transformation.

- Grace Silva-Santella – Commented on the MLK Event taking place on September 9, 2023. Announced Friends of the Marina Library Dad’s Read also on September 9, 2023 at 10:00 am and at 2:30 pm the Friends of the Marina Library will be showing a 2014 film Selma, which celebrates the work of Martin Luther King Jr. and others.
- Jeff Markham – Thanked Planning Department for the pedestrian Marina Heights pedestrian crossing. Commented on the structure fire on Liberty Court. Asked if the Marina Fire Department can do some community outreach to seniors about fire safety and smoke detectors and such.
- Sophiyah Murphy – MHS Student concerned about public safety transit, mostly walking for kids going to school or stores. Sent an email to Marina specifically talking about the lack of sidewalks, specifically near 7-11 and asked if Marina was going to do anything about it.
- Mia Nyugen – Commented on MST Surf Project and note she is still waiting for answers to her questions to the staff who presented the Surf Project in June. Questioned the ridership numbers prepared.

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 102955-103112, totaling \$1,115,222.79.

b. MINUTES: *(Not a Project under CEQA per Article 20, Section 15378)*

(1) August 15, 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:

(1) Adopting **Resolution No. 2023-88**, approving acceptance of \$56,986.00 from State of California, Department of Alcoholic Beverage Control, ABC-APP Grant Program; and authorize the expenditure of said \$56,986.00 received from State of California, Department of Alcoholic Beverage Control.

- (2) Adopting **Resolution No. 2023-89**, authorizing the acceptance of the Staffing for Adequate Fire and Emergency Response (SAFER) Grant number EMW-2022-FF-01257 for \$385,000 to recruit and retain additional Reserve Firefighters.
- (3) Adopting **Resolution No. 2023-90**, supporting SB800 (Caballero) Advanced Air Mobility and Aviation Electrification Committee.
- g. APPROVAL OF AGREEMENTS: None
- 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 adopt **Ordinance No. 2023-09**, amending Title 5 of the Marina City Code by adding Chapter 5.90, "Tobacco retailer license".
 - (2) Read by Title Only and adopt **Ordinance 2023-10**, amending Title 8, Health and Safety, of the Marina Municipal Code by adding Chapter 8.09, "Smoke Free Public Place," to regulate smoking and tobacco use
- m. APPROVE APPOINTMENTS: None

Mayor Pro Tem Medina Dirksen had brief question for items 10f(1), 10f(2) and comment on 10f(3).

BIALA/DELGADO: TO APPROVE THE CONSENT AGENDA. 5-0-0-0 Motion Passes

- 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.*
- 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. 2023-91, Resolution No. 2023-05 (S/A MRA), Resolution No. 2023-03 (NPC), Resolution No. 2023-03 (PPSC-NPC) and Resolution No. 2023-01 (MAC)** adopting Fiscal Year 2023-24 and 2024-24 Budgets, establishing procedures for amending budget, and authorizing the Finance Director to make necessary accounting and budgetary entries.

Public Comments:

- Glenn Woodson – Thanked the city for putting together budget. Commented about submitting emails on the proposed budget and not getting a return response. Commented on the No Left or U-Turn sign at Third Ave and Imjin; on the tennis courts at Los Arboles repaving project; and the intersection of California and Reindollar Ave.
- Doug Yount – Thanked staff for preparing a comprehensive budget. Thanked Council for recognizing some key priorities that come from the budget, both from operating and in the Capital improvement program. Suggested amending some areas such as the Dunes Park, Imjin Parkway and Second Ave, Groundwater litigation, Del Monte extension. Asked what was estimated in the budget for the Phase 3 land sales of the Dune?
- Grace Silva-Santella – Commented on Del Monte and Reservation Road being on the budget. Asked when doing the \$240,000 study/design portion that you consider having an onsite meeting at Bill Ring circle for resident input. Commented on DiMaggio Park flooring replacement project, Windy Hill Park restrooms and suggested moving the port-a-potties over to Los Arboles. Spoke on the Del Monte Median Strip project and possible use of funds from the Sierra Club monies for the Library Irrigation.
- Denise Turley – Asked if the city could have something placed in the newsletter that goes out to Preston and Abrams residents on the Imjin Parkway Roundabouts widening roundabout project. Asked if tonight's presentation is available.

DELGADO/BIALA: THAT WE ADOPT THE RESOLUTION BEFORE US FOR THE FISCAL YEAR 2023-2024 AND FISCAL YEAR, 2024-2025 BUDGET. AS SHOWN IN EXHIBIT A.; AND THAT WE REAFFIRM OUR POLICIES ON THE VEHICLE REPLACEMENT FUND, THE PENSION STABILIZATION FUND, AND OTHER TRANSFERS AS REFLECTED IN THE BUDGET DOCUMENT; AND

- 1. THAT WE AUTHORIZE STAFF TO MODIFY OUR GENERAL FUND EMERGENCY RESERVE POLICY TO GO DOWN TO 18% FROM 20% IF NECESSARY.**
- 2. WE REAFFIRM OUR PROCEDURES FOR BUDGET ADJUSTMENTS, REALIGNMENTS AND AMENDMENTS WITH SOME EMPHASIS THAT WE WOULD LIKE TO SEE THE UNFUNDED STAFF POSITIONS FUNDED, SUCH AS THE HOUSING/GRANTS LEASE POSITION, THE MAINTENANCE WORKERS, THE FIRE DEPARTMENT SAFER POSITIONS; AND THAT WE FURTHER ASK THAT THE ACTING SUPERINTENDENT BE HIRED AS SOON AS POSSIBLE.**
- 3. THAT A WHITE PAPER BE FUNDED FOR OUR HOMELESSNESS ISSUES.**
- 4. THAT WE CREATE THAT DEI TASK FORCE WITH COUNCILMEMBER BIALA AS THE LEAD.**
- 5. THAT WE PRIORITIZE THE DELMONTE MEDIAN PROJECT, THE LOS ARBOLES DECK. PROJECT.**
- 6. AND WE ASKED STAFF TO COME BACK WITH THE QUARTERLY UPDATES OF OUR PROJECT PRIORITY IMPLEMENTATIONS; AND**
- 7. THAT WE PRIORITIZE THE \$500,000 SLATED FOR CDEC HILL OVER TO CYPRESS KNOLLS HOMES.**

5-0-0-0 Motion Passes

- b. Discussion regarding public engagement, community outreach and messaging materials for a potential ballot measure issuing a bond for the construction of Police/Fire/Community Center and City Facilities. ***Continued to Adjourned meeting of September 12, 2023***
- c. Discussion regarding Project Room Key operations at the Country Inn. ***Continued to Adjourned meeting of September 12, 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 11:25 P.M. to Tuesday, September 12, 2023, at 7:00 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor