



MINUTES

Tuesday, November 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**

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

2. PUBLIC COMMENT ON CLOSED SESSION:

- Michelle Bacon – Commented on the Marina Equestrian Center's current operators.

4. CLOSED SESSION:

- a. Conference with Legal Counsel, Anticipated litigation, Initiation of litigation pursuant to § 54956.9(c): One case
- b. Public Employee Performance Evaluation, (§54957)
Title: City Manager
- c. Public Employment Appointment (§54957)
Position: City Attorney
- d. Conference with Real Property Negotiations (§ 54956.8)
Property: 499 9TH Street, Marina, CA – APN: 031-201-016-000
Negotiating Parties: Marina Equestrian Association
Agency Negotiation: Layne Long
Under Negotiation: Price and Terms of Payment

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

Interim City Attorney Quinn reported out Closed Session: The council met tonight in closed session. There were 4 items listed, anticipated litigation, performance evaluation, public employment, appointment city attorney, and then conference with real property negotiation. This evening the council was only able to address one issue. They met on public employment appointment for city attorney. Direction was provided, but no reportable action. All other items the remaining 3 items will be continued to the end of the regular session.

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

- a. Broadband Strategic Plan, Sara House, Monterey County IT

7. COUNCIL AND STAFF ANNOUNCEMENTS:

- Mayor Pro Tem Medina Dirksen – Commented on Marina High School Volleyball team taking the Santa Lucia League Championship and the Cross-country team taking the Cypress Division Championship.
- Council Member Vissher – Announced the MST service between Salinas and Gilroy has been reinstated.
- Mayor Delgado – Announced on November 16th at 1:00pm will be a public meeting, on-line only of a committee called California Competes. It's a committee of the state of California governor's office and Joby will be on the agenda to for a possible \$9 million grant. Commented on the two Halloween events held at the Community Center and the Teen Center.
- Council Member McCarthy – Announce he wasn't feeling well and would leave after public comments. Commented on the City applying for the REAP 2.0 Grant and the city might not get recommended for the approval of the grant through AMBAG. Commented on the Wreaths Across America and the Marina Foundation Scholarship Program.

- Public Works Director McMinn – Announced City is still soliciting input from the public on the downtown landscaping and streetscape. A public meeting will be held on November 16, 2023 at 5:30 pm prior to the Public Works Commission meeting starting at 6:30 pm.
 - Recreation Director Willer – Provided an update on the two Halloween events that happened at the Community Center and the Teen Center. Thanked the sponsors for their continued donations and time and also thanked the recreation staff.
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 – Commented on the 2022 MST Annual Report and the connectivity to the peninsula, the cost of the two new bus lanes and the destruction of 6-miles of environmental landscape. Opposes the project and asked council to reject the project.
 - Denise Turley – Stated the Downtown Landscape and streetscape link on the website is not working. Asked if someone could investigate it.
 - Michelle Bacon – Asked who manages the contract with Chaparral Country Corp. to make sure they are complying? Asked about Chaparral's current liability insurance and was the correct amount? Commented on security at the Equestrian Center; asked about their business license and commented on law suits in other parts of California.
 - Patty Roche – Expressed concerns about Las Animas Concrete plant and asked about the hours of operation versus the hours of delivery of materials; when is California Avenue going to be open up on Imjin Avenue; will the trucks, delivery and everything continue going from Ninth Street to California to 8th Street, Imjin Parkway to Imjin Road, or will they be allowed to go from Ninth Street and California all the way to Imjin Road?
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 103346-103476, totaling \$1,201,516.10.
- b. MINUTES: *(Not a Project under CEQA per Article 20, Section 15378)*
 - (1) October 17, 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. 2023-105**, accepting \$1,050 in cash donations from the Marina Foundation, Richard Russell Cross Fit, Monterey Bay Moves Inc., Yvonne & Paul Tovar, and Keoki's Hawaiian Barbeque for a total of \$1,050.00 *(This item is exempt from environmental review per §15378 of the CEQA guidelines.)*
 - (2) Adopting **Resolution No. 2023-106**, authorizing the City Manager to fill a Full Time Limited Term Commander position for the Marina Police Department; and authorizing adjustments to the City's Authorized Full-Time positions list in the FY 2023 Budget. *(This item is exempt from environmental review per §15378 of the CEQA guidelines.)*
 - (3) Adopting **Resolution No. 2023-107**, authorize a reclassification for the Recreation Leader classification; and authorize an update to the current salary schedules for the Part Time Recreation Instructors for fiscal year 2023/24. *(This item is exempt from environmental review per §15378 of the CEQA guidelines.)*
- g. APPROVAL OF AGREEMENTS:
 - (1) Adopting **Resolution No. 2023-108**, accepting the Coastal Commission's Non-Competitive grant award and directing the Finance Director to make budget amendments as necessary. *This item is exempt from environmental review per §15378 of the CEQA guidelines.*
 - (2) Adopting **Resolution No. 2023-109**, awarding the City of Marina General Building Improvements On-Call Contract 2023, to Pueblo Construction Inc. of Seaside, California for an annual contract amount not to exceed \$1,000,000, and an option for an additional one (1) year extension with a not to exceed annual funding limit of \$1,000,000. *This item is exempt from environmental review per §15378 of the CEQA guidelines.*
 - (3) Adopting **Resolution No. 2023-110**, approving the Phase 1B-Promenade Public Improvement Agreement for the Traffic Signal and Site Lighting between City of Marina and Shea Homes, LP. *This project is exempt from further environmental review per Section 15162 of the CEQA guidelines as the traffic impacts were previously assessed in the University Village EIR.*
 - (4) Adopting **Resolution No. 2023-111**, authorizing the City Manager to finalize and enter into an Expanded Learning Opportunities Agreement between the City of Marina (City) and Monterey Peninsula Unified School District (MPUSD). *This item is exempt from environmental review per §15378 of the CEQA guidelines.*

(5) Adopting **Resolution No. 2023-112**, approving a maintenance services agreement between the City of Marina and Della Mora Sheet Metal & Air Conditioning, Inc. of Marina, California to replace the public safety building heating, ventilating, and air conditioning (HVAC) unit. *This item is exempt from environmental review per §15378 of the CEQA guidelines.*

(6) Adopting **Resolution No. 2023-113**, authorizing the City Manager to enter into two Reimbursement Agreements for the improvement of 8th Street from 3rd Avenue to California Avenue and California Avenue from Imjin Parkway to 8th Street between City of Marina and Shea Homes, LP, (“Developer”), *This item is exempt from environmental review per §15378 of the CEQA guidelines.*

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS:

(1) Adopting **Resolution No. 2023-114**, accepting the completion of the City Park Barracks and Cypress Knolls Buildings Blight Removal 2022 Project. *This item is exempt from environmental review per §15378 of the CEQA guidelines.*

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. 2023-14**, adding a new Chapter 17.68 to the Marina Municipal Code (MMC) pertaining to Temporary Use Permits. *The proposed amendments are exempt from CEQA per Sections 15304(e) and 155378(b)(5).*

m. APPROVE APPOINTMENTS: None

BIALA/MEDINA DIRKSEN: TO APPROVE THE CONSENT AGENDA. 4-0-1(McCarthy)-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. 2023-115**, authorizing the City Manager to execute the Memorandum of Understanding between the City of Marina and the Executive Directors of Marina, and authorizing adjustments to the City’s Salary Schedule and Compensation Plan. *This item is exempt from environmental review per §15378 of the CEQA guidelines.*

DELGADO/MEDINA DIRKSEN: TO ADOPT RESOLUTION NO. 2023-115, AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MARINA AND THE EXECUTIVE DIRECTORS OF MARINA, AND AUTHORIZING ADJUSTMENTS TO THE CITY'S SALARY SCHEDULE AND COMPENSATION PLAN; AND TO INCORPORATE THE SALARY SCHEDULE INTO THE BODY OF THE RESOLUTION. 4-0-1(McCarthy)-0

Motion Passes

- b. Receive an informational update on the Draft Downtown Specific Plan and provide input to city staff. A Notice of Preparation (NOP) has been prepared to notify agencies and interested parties that the City of Marina (City), as the Lead Agency, will prepare an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) for the proposed Downtown Specific Plan.

Council received the update on the Draft Downtown Specific Plan and discussed public access to the Draft Downtown Specific Plan and the outreach to stakeholders. Council wanted more input from business owners before making a decision on “less restrictive on the nonconforming language in the plan” and agreed not to have more drive thru’s in the downtown area.

Public Comments: None received

- c. Receive informational update on 1986 Sierra Club Settlement Agreement.

Council received the update on the 1986 Sierra Club Settlement Agreement and discussed the monies collected from the three hotels, the current fund balance and the potential use of the funds.

Public Comments:

- Grace Silva-Santella – Asked if a native plant restoration project or a new native plant project in the Marina Library vicinity property be available for usage of these funds? Noted that the Friends of the Marina Library along with the Maria Tree and Garden Club and the Marina Foundation have funds to add-in for new California native plants along the edge of the building on either side of the front entrance of a library as well as under the flagpole. checking to see if the reference to Locke Paddon Park would also include the area of the Marina library.

14. COUNCIL & STAFF INFORMATIONAL REPORTS:

- a. Monterey County Mayor’s Association [Mayor Bruce Delgado]

Marina hosted November’s Monterey County Mayors Association meeting at Glorya Jean Tate Park/Marina Pump Track, well attended by the other mayors. Next meeting is in December in Monterey

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

Mayor Pro Tem Medina Dirksen provided updates on TAMC. Noted TAMC was awarded \$640,000 in a federal Grant having to do with reducing traffic fatalities and collisions.

Council Member Visscher attended the Marina Equestrian Center's October 28th Fall Harvest Festival, great event. Attended the Preston Park Community Center Halloween event. Attended the Lightfighter Village Groundbreaking on November 3rd.

Mayor Delgado attended the 9th Annual State of the Region conference where they talked about an unprecedented amount of money coming down from the state to local jurisdictions who are best able to get the money if they partner with their peer jurisdiction.

15. ADJOURNMENT: The meeting adjourned back into Closed Session at 9:55 P.M.

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor