



MINUTES

Tuesday, November 21, 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 COMMENTS ON CLOSED SESSION: None received

4. CLOSED SESSION:**a. Conference with Legal Counsel, Existing Litigation (§ 54956.9(d)) 3 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.

b. Conference with Legal Counsel, Anticipated litigation, Initiation of litigation pursuant to § 54956.9(c): One case**c. Conference with Real Property Negotiations (§ 54956.8)****i. Property: 721 Neeson Road, Marina, CA**

Negotiating Parties: Jacklyn Foust, Skydive Monterey Bay

Agency Negotiation: Layne Long

Under Negotiation: Price and Terms of Payment

ii. Property: Marina Airport Hangar 524, 761 Neeson Road, Marina, CA 93933

Negotiating Parties: Joby Aero Inc

Agency Negotiation: Layne Long

Under Negotiation: Price and Terms of Payment

iii. Property: 3200 Imjin Road, Marina, CA

Negotiating Parties: Joby Aero Inc.

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

Heidi Quinn, Interim City Attorney reported out Closed Session: Council met in closed session with regard to the five items listed. For item 3a, Existing Litigation I had recused myself for a conflict of interest and Mayor Delgado will report out the actions for that. For item 3b and 3c (1-3), council received information, gave directions and no reportable action was taken.

Mayor Delgado reported out for 3a, Council received information, gave direction.

5. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)**6. SPECIAL PRESENTATIONS:****a. Monterey-Salinas Transit Annual Update****b. Blus Zone Workplace Certification****7. COUNCIL AND STAFF ANNOUNCEMENTS:**

- Council Member Biala – Announced the California Competes (CalCompetes) Grant Committee approved the allocation of grant funding for Joby Aviation in the amount of \$9.8 million towards the construction of its expansion facility at the Marina Municipal Airport.
- Council Member McCarthy – Announced two Marina Foundation events, on December 1, 2023 at 6:00 pm is the Tree Lighting at Vince DiMaggio Park; and on December 2, 2023 is the Santa Run at 10:00am.

- Mayor Pro Tem Medina Dirksen – Stated there’s still time to purchase Wreaths through the Marina Foundation, proceeds to towards the Gordon Nakagawa Scholarship Program. Also mentioned the Hand Cars will be operating this weekend.
- Interim Police Chief Russo – Explained what the Santa Run is about. Santa will be traveling the streets of Marina in a Fire Truck escorted by the Marina Police Department. This will take place on December 2, 2023, starting around 10:00am.
- Recreation Director Willer – Announced the Community Thanksgiving dinner on Thanksgiving Day at the Community Center and there will be two eating times. First time is 11:00am and the second time is at 12:30pm. Commented on the December 1, 2023 Tree Lighting event at Vince DiMaggio Park.

Mayor Delgado announced the Public Comment period for non-consent agenda items will be heard at the end of the meeting and that Agenda Item 10f(2) was being pulled from the agenda to a date uncertain.

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.
- Nancy Amadeo – concerned about the wording for 10g(2) of the consent agenda. It says and uninsured Skydive Monterey Bay and asked if that meant that Skydive Monterey Bay has no insurance?
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: This item is exempt from environmental review per §15378 of the CEQA guidelines.
 - (1) Accounts Payable Check Numbers 103477-103562, totaling \$292,036.79.

b. MINUTES: *This item is exempt from environmental review per §15378 of the CEQA guidelines.*

(1) November 7, 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, extending the appointment of the current Tree Committee members for one year or until January 1, 2025.~~ *(This item is exempt from environmental review per §15378 of the CEQA guidelines. **Pulled by Council Member McCarthy, becomes agenda item 11c***

(2) ~~Adopting Resolution No. 2023, approving mural design for east wall of lower Locke Paddon Park restrooms.~~ *(This item is exempt from environmental review per §15378 of the CEQA guidelines. **Item pulled from agenda by staff, to be heard at a date uncertain***

g. APPROVAL OF AGREEMENTS:

(1) Adopting **Resolution No. 2023-116**, approving a Professional Services Agreement with Design Path Studio (Consultant) for the development of pre-approved accessory dwelling unit (ADU) building plans in compliance with the California Building Code (CBC) and Titles 15 and 17 of the Marina Municipal Code (MMC). *This item is exempt from environmental review per Sections 15062(c)(2) and 15061(b)(3) of the CEQA guidelines.*

(2) Adopting **Resolution No. 2023-117**, amending a Lease Agreement between the City of Marina and Uninsured Skydive Monterey Bay, Inc. dba Skydive Monterey Bay. for a portion of 721 Neeson Road (Building 533) at the Marina Municipal Airport. *(This item is exempt from environmental review per §15378 of the CEQA guidelines).*

(3) Adopting **Resolution No. 2023-118**, approving the creation of a needs-based assistance program to provide access to recreation & cultural services programs and services. *(This item is exempt from environmental review per §15378 of the CEQA guidelines)*

(4) Adopting **Resolution No. 2023-119**, approving an agreement between the City of Marina and Monterey Bay Moves to provide group exercise classes. *(This item is exempt from environmental review per §15378 of the CEQA guidelines).*

(5) Adopting **Resolution No. 2023-120**, approving the Phase 2 North Public Improvement Agreement between City of Marina and Shea Homes, Lp, accepting and authorizing the City Manager to execute the Public Improvement Agreement on behalf of city subject to final review and approval by the City Attorney, and authorizing the City Manager or his designee to execute a grant deed for the conveyance of the extension of 2nd Avenue, and to take all other actions necessary to accept and record said grant deeds on behalf of the City of Marina. *This project is exempt from further environmental review per Section 15162 of the CEQA guidelines as the impacts were previously assessed in the University Village EIR*

- (6) Adopting **Resolution No. 2023-121**, approving the Phase 2 West/Residential Public Improvement Agreement between the City of Marina and Shea Homes, LP. *This project is exempt from further environmental review per Section 15162 of the CEQA guidelines as the impacts were previously assessed in the University Village EIR*

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS:

- (1) Adopting **Resolution No. 2023-122**, accepting the completion of the City of Marina-Dr. Martin Luther King Jr. Sculpture Garden Project. *This item is exempt under CEQA per Article 20 Section 15378 and under General Rule Article 5 Section 15061.*

i. MAPS:

- (1) Adopting **Resolution No. 2023-123**, approving the Phase 2 West/Residential Final Map for The Dunes on Monterey Bay Development Project Subdivision. *This project is exempt from further environmental review per Section 15162 of the CEQA guidelines as the impacts were previously assessed in the University Village EIR*

j. REPORTS: (RECEIVE AND FILE): None

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS: None

Council Member McCarthy requested to pull agenda item 10f(1) and made comments on agenda item 10h(1).

Mayor Pro Tem Medina Dirksen asked quick questions on agenda items 10g(3) and 10g(4)

BIALA/VISSCHER: TO APPROVE THE CONSENT AGENDA MINUS AGENDA ITEMS 10f(1) AND 10f(2). 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. 2023-124**, approving a correction to Executive Directors salary adjustments, 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).*

Public Comments: None received.

MCCARTHY/BIALA: TO ADOPT RESOLUTION NO. 2023-124, APPROVING A CORRECTION TO EXECUTIVE DIRECTORS SALARY ADJUSTMENTS, AND AUTHORIZING ADJUSTMENTS TO THE CITY'S SALARY SCHEDULE AND COMPENSATION PLAN. 5-0-0-0 Motion Passes

- b. Adopting **Resolution No. 2023-125**, approving the entrance into a 24-Month service agreement for the leasing of twenty (20) Automated License Plate Reader (ALPR) Cameras from Flock Group, Inc. with a total cost not to exceed \$130,000.00 (Estimated Year 1 Cost - \$66,000.00 & Year 2 Cost - \$60,000.00), and; consider waiving the City's formal bid process. *Not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378).*

City Council discussed the use for the cameras, who would have access to the files and where the cameras would be placed.

Public Comments:

- Margaret Davis – Opposes the placement of FLOCK cameras in Marina, believe it's the beginning of a surveillance state and extremely vulnerable for abuse. Not impressed by endorsement by the ACLU. Urge council not to implement this.

MCCARTHY/MEDINA DIRKSEN: TO ADOPT THE REVISED RESOLUTION NO. 2023-125, APPROVING THE ENTRANCE INTO A 24-MONTH SERVICE AGREEMENT FOR THE LEASING OF TWENTY (20) AUTOMATED LICENSE PLATE READER (ALPR) CAMERAS FROM FLOCK GROUP, INC. WITH A TOTAL COST NOT TO EXCEED \$130,000.00 (ESTIMATED YEAR 1 COST - \$66,000.00 & YEAR 2 COST - \$60,000.00), AND CONSIDER WAIVING THE CITY'S FORMAL BID PROCESS. 5-0-0-0 Motion Passes

- c. Adopting **Resolution No. 2023-126**, extending the appointment of the current Tree Committee members for one year or until January 1, 2025. *(This item is exempt from environmental review per §15378 of the CEQA guidelines. Pulled by Council Member McCarthy, was agenda item 10f(1))*

City Council discussed current process for appointment to commission and would like to look into modifying the process in the future.

Public Comments: None received.

BIALA/DELGADO: TO ADOPT RESOLUTION NO. 2023-126, EXTENDING THE APPOINTMENT OF THE CURRENT TREE COMMITTEE MEMBERS FOR ONE YEAR OR UNTIL JANUARY 1, 2025. 5-0-0-0 Motion Passes

PUBLIC COMMENTS ON CONSENT AGENDA:

- Chandler Roland – Commented on the MST presentation; the Surf Line Project with estimated travel savings and the \$100,000,000 in tax grant funding associated with it. Asked Council to reject this project.

- Glenn Woodson – Suggested alternating from in-person and online public comments to keep it even. Commented on the new Starbucks driveways, specifically the exit onto Del Monte. Developer told council and planning commission this was an exit route, and it is clearly marked enter/exit. Also commented on the potential mural at the Locke Paddon Park restrooms.
- Lisa Berkley – Thanked staff/council for pulling item number 10f(2). This was a controversial item and was not handled correctly. Better procedure is needed for items like this.
- Nancy Amadeo – Commented on the mural project and suggested Marina Youth Arts could be involved and that women of the Marina Community be honored. Suggested having a contest for local artists to submit their work. Commented on the lack of process for public art.
- Grace Silva-Santella – Commented on the Blue Zone Presentation. Submitted/mailed correspondence on agenda item 10f(2), the mural project. City needs written guidelines or a formal process for public art on public land or private property. Property owners should have a say on what art is placed around the city.
- Mia Nguyen – Commented on the MST Presentation. Does not believe the ridership numbers are accurate. Asked to see specifics on how this would benefit Marina.

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 9:17 P.M.

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor