



MINUTES

Tuesday, December 5, 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. Public Employment Appointment (§54957)
Position: City Attorney

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

Mayor Delgado reported out Closed Session: Council met at 5:00 pm, discussed the item listed, gave direction and no action was taken.

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

6. **SPECIAL PRESENTATIONS:**

- a. Marina Grocery Outlet Proclamation
- b. National Plan to End Parkinson's Act Proclamation

7. **COUNCIL AND STAFF ANNOUNCEMENTS:**

- Council Member Biala – Announced that Marina Channel 25 was not operating due to technical difficulties but state you could also view council meetings via YouTube.
- Mayor Pro Tem Medina Dirksen – Recognition to the Marina Foundation and Marina Recreation Department for the putting on the Tree Lighting at Vince DiMaggio Park on December 1, 2023. Commented on the Santa Run and spoke about the Marina High School basketball team. Commented on CSUMB's Capstone festival on December 15th at 9:00am in the CSUMB Library Room.
- Council Member Visscher – Announced Marina Police Department is hosting community meetings on December 8th at 5:00pm at the Charles Apartments community room. 3109 Seacrest Avenue and on Tuesday December 12th at 6:00pm at the Cove Clubhouse in Sea Haven
- Council Member McCarthy – Announced on December 8th is Coffee with a Cop at the Dunes Starbucks and commented on the Police Department community meetings not being well attended.
- Mayor Delgado – Commented on the Police Department community meetings and encouraged the community to attend them. Announced the next volunteer cleanup taking place on December 10th at 10:00am Meet at Del Monte and Lapis Road.
- Recreation Director Willer – Spoke about the Tree Lighting and thanked the Marina Foundation for their coordinating and co-sponsoring the event and also thanked everyone who attended. Announced a new program called Kids Night In taking place this Friday, December 8th from 6:00-9:00pm, t's an opportunity for parents to do some shopping to do some wrapping. Cost is \$3.00 per child. The theme is Whoville.

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.*

- Paul Farmer, Monterey County Business Council (MCBC) – spoke about the Small Business Development Center closing down as current CEO retiring and there is an RFP open for somebody else to provide small business development center services. MCBC is currently

applying for the RFP. MCBC can receive \$175,000 from the SBA to run that center. Asking local cities and counties to contribute \$5,000 to help with the local match-grant that is required.

- Naomi Estoles – Spoke about the silent and physical effects of having Parkinson's.
- Denise Turley – Commented on last weeks planned power outage for certain areas of Marina and noted that PG&E has a process to reimburse households for the loss of any perishable foods. Customers need to contact PG&E and they will mail out form with instructions.

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 103563- 103657, totaling \$1,207,425.08.
Accounts Payable Successor Agency Check Number 117, totaling \$36,887.49

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

(1) November 21, 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, approving regular City Council meeting schedule for 2024 Calendar Year. (This item is exempt from environmental review per §15378 of the CEQA guidelines).~~ **Pulled by Council Member Biala, becomes agenda item 13d**

g. APPROVAL OF AGREEMENTS:

~~(1) Adopting Resolution No. 2023, and Resolution No. 2023 (NPC), approving Amendment No. 5 to extend for one year the Amended Management Agreement Between City of Marina, City of Marina Abrams B Non-Profit Corporation, and Greystar California, Inc. for Abrams B Housing Area; AND adopting Resolution No. 2023, and Resolution No. 2023 (PPSC-NPC), approving Amendment No. 5 to extend for one year the Amended Management Agreement Between City~~

~~of Marina, City of Marina Preston Park Sustainable Community Non-Profit Corporation, and Greystar California, Inc. for Preston Park Housing Area approval by the City Attorney/Non-Profit Corporation Legal Counsel. (This item is exempt from environmental review per §15378 of the CEQA guidelines).~~

Pulled from agenda by staff. Continued to December 19, 2023

- (2) Adopting **Resolution No. 2023-127**, approving a Public Improvement Agreement for Sea Haven Phase 4B between the City of Marina and the Contracting Parties of 104 Investments, LLC, Locans Investments, LLC, Wathen Castanos Peterson Homes, Inc., and Wathen Castanos Peterson Coastal. *(This item is exempt from environmental review per §15378 of the CEQA guidelines).*
- ~~(3) Adopting Resolution No. 2023, approving a Professional Services Agreement with EMC Planning Group, Inc. totaling \$33,647.50, for the preparation of a grant application to the California Coastal Conservancy for funding parking lot and coastal access trail improvements at the Fort Ord Dunes State Park. (This item is exempt from environmental review per §15378 of the CEQA guidelines).~~ **Pulled by Council Member Biala, becomes agenda item 13e**
- (4) Adopting **Resolution No. 2023-128**, authorizing the City Manager to enter into an agreement between the City and WCP Developers, Inc. for the Fair-Share contribution to the Salinas Avenue Improvement Project. *(This item is exempt from environmental review per §15378 of the CEQA guidelines).*
- ~~(5) Adopting Resolution No. 2023, approving a professional services agreement between the City of Marina and BEK Collective Inc. for preparing conceptual designs for the primary points of entry into the City and the Airport. (This item is exempt from environmental review per §15378 of the CEQA guidelines).~~ **Pulled by Council Member McCarthy, becomes agenda item 13f**

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS:

- (1) Adopting **Resolution No. 2023-129**, approving the Phase 4B Final Map for Sea Haven Development Project Subdivision. *(This item is exempt from environmental review per §15378 of the CEQA guidelines).*

j. REPORTS: (RECEIVE AND FILE):

- (1) Adopting **Resolution No. 2023-130**, receiving and filing the 2023 Information Report on the adjustment of mitigation fees for new development. *(This item is exempt from environmental review per §15378 of the CEQA guidelines).*

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS: None

Council Member Biala pulled agenda items 10f(1) and 10g(3), had question on 10g(5)

Council Member McCarthy pulled agenda item 10g(5)

Staff pulled agenda item 10g(1), item to be heard on December 19, 2023

MEDINA DIRKSEN/BIALA: TO APPROVE THE CONSENT AGENDA MINUS 10f(1), 10g(1), 10g(3) AND 10g(5). 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.*

- a. Open a public hearing and consider adopting **Resolution No, 2023-131**, approving the Sixth Cycle Housing Element and forward it to State HCD to begin a sixty (60)-day review period and find the project exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Public Comments:

- Gabriel Sanders, Monterey Economic Partnership – watching the City of Marina go through the housing element update process and it's been one of the most pleasantly surprising processes. We applaud you and Monterey Economic Partnership is always here to help. We have some interesting ideas that we look forward to discussing with you.

MCCARTHY/BIALA: TO ADOPT RESOLUTION NO, 2023-131, APPROVING THE SIXTH CYCLE HOUSING ELEMENT AND FORWARD IT TO STATE HCD TO BEGIN A SIXTY (60)-DAY REVIEW PERIOD AND FIND THE PROJECT EXEMPT FROM CEQA PURSUANT TO SECTION 15061(B)(3) OF THE CEQA GUIDELINES. 5-0-0-0 Motion Passes

- b. Open a public hearing and consider introducing Ordinance No. 2023-14, amending Title 10 of the Marina Municipal Code to regulate Mobile Food Vending and sidewalk vending. The proposed amendments are exempt from CEQA per section 15060(c)(2) and 15061(b)(3).

Public Comments:

- Grace Silva-Santella – Noted the Friends of the Marina Library hold events at the library and asked if food trucks would be allowed at the library for special events?
- Tanja Roos – Asked if an incentive could be done to promote healthier foods served in food trucks?

Council discussed extending hours passed 10:00 pm, exemptions for food trucks in construction site areas, reduction of sidewalk clearance, competition with mom & pop shops, regulating sidewalk vendors, smoking withing 40-feet of food trucks, location of food trucks in disadvantage areas in the community.

DELGADO/MCCARTHY: TO INTRODUCE ORDINANCE NO. 2023-, AMENDING TITLE 10 OF THE MARINA MUNICIPAL CODE TO REGULATE MOBILE FOOD VENDING AND SIDEWALK VENDING WITH MODIFICATIONS TO:

1. **SECTION 10.46.050(b)(7), EXTENDING BUSINESS HOURS TO 11:00 PM; AND**
2. **MODIFYING SECTION 10.46.050(b)(11) REDUCING CLEARANCE FROM SIX FOOT TO FIVE FOOT; AND**
 - a. **DO A 6-MONTH POST PASSAGE EVALUATION (MAY15, 2024)**
 - b. **LOOK INTO PROXIMITY TO OTHER BRICK-AND-MORTAR RESTAURANTS.**

- c. LOOK INTO INCENTIVES FOR ESTABLISHING FOOD TRUCKS FOR EXISTING MARINA BUSINESSES/RESTAURANTS.
- d. NOTIFICATION TO BRICK-AND-MORTAR FOOD ESTABLISHMENTS OF FOOD TRUCK VENDOR IN AREA.
- e. ALLOW FOOD VENDING IN SOUTH PARK AREA OF THE DUNES.
- f. NO SMOKING SIGNS TO BE POSTED ON FOOD TRUCKS.

5-0-0-0 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.*

City Council rearranged Other Action Agenda to hear agenda item 13b first.

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 Mayor's 2024 recommendation for Mayor Pro Tem and City Council member assignments to various Committees/Commissions/Boards. *(This item is exempt from environmental review per §15378 of the CEQA guidelines. Continued to December 19, 2023)*
- b. Receive a presentation on the results of the odor attribution study and provide directions on any further action. *This item is exempt from environmental review per §15378 of the CEQA guidelines)*

Public Comments:

- Philippe Melter, GM of ReGen – Provided history of the ReGen and Recycling facility going back to 1951 to current. Were pleased that the city took ReGen's recommendation to conduct the odor study and appreciate the work from SCS Engineering. ReGen, has reviewed the recommendations given by the consultants, taken into consideration into our daily operation. We look forward to serving the community as long as there is a need for waste disposal and will continue to work with the city and residents to be good neighbors. ReGen will continue to work with federal, state, local and regional agencies to be compliant as we are today to make sure that our efforts reduce and mitigate odors.
- Paul Shuto, GM Monterey One Water – Agrees with previous speaker. Monterey One has been out there since 1990 and we're a partner in the community. Monterey One Water is here to help and want an adequate resolution for all the citizens of Marina as well as for those essential services that we represent.
- Grace Silva-Santella – Spoke about being one of the odor testers for this study. Noticed a tremendous improvement in the past year. Commented about Greg Simmons being very active in working with staff. Grateful that there are solutions being suggested. Biggest concern is the increase in food waste coming to the landfill and the potential impact.

9:55 PM

DELGADO/VISSCHER: TO COMPLETE THIS ITEM (13b) AND HEAR THE PRESENTATION FOR ITEM 11c AND MAKE A DECISION ON WHERE TO PROCEED AFTER. 4-1(Biala)-0-0 Motion Passes

Substitute Motion

Biala/McCarthy: to continue to finish this agenda item and just to hear the presentation of the median and not go for discussion. 1-4(Visscher, McCarthy, Medina Dirksen, Delgado)-0 Substitute Motion fails.

DELGADO/MCCARTHY: THAT HAVING RECEIVED THIS PRESENTATION THAT, WE DIRECT STAFF TO HELP US FORM A SUBCOMMITTEE WITH COUNCILMEMBER MCCARTHY AND I TO SORT THROUGH THE RECOMMENDATIONS FROM THIS STUDY AND COME UP WITH A SORT OF A POSITION ASK TO REGEN AND MONTEREY ONE WATER AS FAR AS WHERE WE'D LIKE TO GO NEXT. 5-0-0-0 Motion Passes

- c. Adopting Resolution No. 2023-, receiving a presentation for the Del Monte Boulevard Landscaping, Multi-Modal Improvements, and Downtown Marina Streetscape, and providing input on the design for the proposed projects. *(Not a project as defined by the California Environmental Quality Act (CEQA) per Article 20 Section 15378 and under General Rule Article 5 Section 15061)*

City Council received the presentation on the Del Monte Medians and Multimodal Road Diet Traffic Analysis with no discussion and adjourned the meeting at 11:57 PM

- d. ~~Adopting Resolution No. 2023-, approving regular City Council meeting schedule for 2024 Calendar Year.~~ *(This item is exempt from environmental review per §15378 of the CEQA guidelines).* ***Pulled by Council Member Biala, was agenda item 10f(1). Continued to December 19, 2023***
- e. ~~Adopting Resolution No. 2023-, approving a Professional Services Agreement with EMC Planning Group, Inc. totaling \$33,647.50, for the preparation of a grant application to the California Coastal Conservancy for funding parking lot and coastal access trail improvements at the Fort Ord Dunes State Park.~~ *(This item is exempt from environmental review per §15378 of the CEQA guidelines).* ***Pulled by Council Member Biala, was agenda item 10g(3). Continued to December 19, 2023***
- f. ~~Adopting Resolution No. 2023-, approving a professional services agreement between the City of Marina and BEK Collective Inc. for preparing conceptual designs for the primary points of entry into the City and the Airport.~~ *(This item is exempt from environmental review per §15378 of the CEQA guidelines).* ***Pulled by Council Member McCarthy, was agenda item 10g(5). Continued to December 19, 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 11:57 P.M.

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor