



MINUTES

Tuesday, May 7, 2024

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: Jennifer McAdams, Brian McCarthy, Kathy Biala, Mayor/Chair Bruce C. Delgado (Left meeting at 8:05 PM)

MEMBERS ABSENT: Mayor Pro-Tem/Vice Chair Liesbeth Visscher (Excused)
3. PUBLIC COMMENT ON CLOSED SESSION ITEMS: None

4. CLOSED SESSION:

a. Conference with Legal Counsel, Existing Litigation (§ 54956.9(d)) 3 cases:

- (1) *City of Marina, et al. vs. Nemeth, Karla, et al.*, Monterey County Superior Court Case No. 19CV005270.
- (2) *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.
- (3) *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.

6:40 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

City Attorney reported out Closed Session: Council met in closed Session, no reportable action was taken.

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

6. SPECIAL PRESENTATIONS:

a. Proclamations

- i. Poppy Month, American Legion Post 694

7. COUNCIL AND STAFF ANNOUNCEMENTS:

- Council Member McAdams – Announced on May 12, 2024, from 10:00am-Noon is Dad’s Read at the Marina Library and Chief Randy Hopkins will be reading. Wished my colleagues a wonderful trip to Korea.
- Council Member McCarthy – Announced May 14, 2024, is the Black African Heritage Ceremony for graduating students at Cal State Monterey Bay in the Otter Student Union ballroom at 6:00 pm. Announced MCWD has sent out Prop 218 notices talking about where water rates are headed over the next 5 years.
- Mayor Delgado – Announced on May 12th is the Lapis Road Cleanup from 10:00am-12:30pm. On May 26th is the Hilltop Park Planting from 10:00-1:00pm at the junction of 9th Street and 4th Avenue.
- Council Member Biala – Announced on June 1, 2024, is the Multicultural Festival from 11:00am-3:00PM

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.*

- Doug Yount – Commented on agenda item 10e(1) and thanked public works for the work on 2nd Ave. medians. Asked if 9th street could be done. Noted that Second Ave and Imjin intersection is really bad and hopes it will get scheduled for resurfacing. Asked how the Dunes CFD relates to the slurry project, the interaction between the slurry programs funded by Measure X and the CFD relative to the Dunes project?
- Nancy Fortman – Attended the April 30th meeting and does not see the site selection as the main issue at this point in time. Main issue is paying for these long-needed facilities. What are the exact tax implications for each homeowner in Marina? What are the implied rent increases for the renters whose landlords will be paying increased property taxes? Would like the council to slow down and take time to research alternative ways to pay for these structures.

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:104390-104494, totaling \$1,240,266.11.
Accounts Payable Successor Agency Check Number 123, totaling \$1,781.78.

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

- (1) April 16, 2024, Regular City Council Meeting

c. CLAIMS AGAINST THE CITY: None

d. AWARD OF BID: None

e. CALL FOR BIDS:

- (1) Adopting **Resolution No. 2024-35**, approving advertising and call for bids for the 2024 Citywide Slurry Seal Project. *(Project exempt from environmental review per § 15301(b) of the CEQA Guidelines for Existing Facilities).* **Bulled by Mayor Delgado**

f. ADOPTION OF RESOLUTIONS: *(Not a Project under CEQA per Article 20, Section 15378)*

- (1) Adopting **Resolution No. 2024-36**, receiving the Fiscal Year 2024-25 Engineer's Report for the Cypress Cove II Landscape Maintenance Assessment District; declaring its intention to levy an assessment in fiscal year 2024-25 in that district; and calling a public hearing for May 21, 2024.
(This action is Categorically Exempt per Article 19, Section 15378(b)(5) of the CEQA Guidelines).

- (2) Adopting **Resolution No. 2024-37**, receiving the Fiscal Year 2024-25 Engineer's Report for the Seabreeze Landscape Maintenance Assessment District; declaring its intention to levy an assessment in fiscal year 2024-25 in that district; and calling a public hearing for May 21, 2024. *(This action is Categorically Exempt per Article 19, Section 15378(b)(5) of the CEQA Guidelines).*
- (3) Adopting **Resolution No. 2024-38**, receiving the Fiscal Year 2024-25 Engineer's Report for the Monterey Bay Estates Lighting & Landscape Maintenance Assessment District; declaring its intention to levy an assessment in fiscal year 2024-25 in that district; and calling a public hearing for May 21, 2024. *(This action is Categorically Exempt per Article 19, Section 15378(b)(5) of the CEQA Guidelines).*
- (4) Adopting **Resolution No. 2024-39**, authorize the release of Request for Proposals (RFP) to qualified firms for on-call professional services in the disciplines of planning, architectural design, landscape architecture, civil engineering, traffic engineering, environmental services, construction management, and geotechnical engineering. *(This action is Categorically Exempt per Article 19, Section 15378(b)(5) of the CEQA Guidelines).*
- (5) Adopting **Resolution No. 2024-40**, authorizing the upfitting of a utility vehicle to a command vehicle; and authorizing \$24,000 to be allocated from unallocated funds. *(This item is exempt from environmental review per §15378 of the CEQA guidelines)*
- (6) Adopting **Resolution 2024-41**, adopting the certified Sixth Cycle Housing Element as amended by the California Department of Housing and Community Development. The proposed action is exempt from CEQA per Sections 15060(c)(2) and 15061(b)(3) of the CEQA Guidelines.
- (7) Adopting **Resolution No. 2024-42**, accepting the Housing Element Annual Progress Report for calendar year 2023 and authorizing staff to submit the report to the Governor's Office of Planning and Research and the California Department of Housing and Community Development; and find that the action is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3) and 15378(b).

g. APPROVAL OF AGREEMENTS: *(Not a Project under CEQA per Article 20, Section 15378)*

- (1) Adopting **Resolution No. 2024-43**, approving an MOU between the City and the Marina Public Safety Management Association (MPSMA), and an MOU between the City and the Marina Professional Firefighters Association (MPFFA), and authorizing adjustments to the current Salary Schedule for the respective groups. *(This item is exempt from environmental review per §15378 of the CEQA guidelines)* **Pulled by Council Member McAdams**
- (2) Adopting **Resolution No. 2024-44**, to authorize the City Manager to execute an amendment increasing the amount of the agreement between the City of Marina and Team CivX by \$86,000 for consulting services to assist with public engagement, community outreach and messaging materials for a potential bond measure for the construction of police/fire/community center city facilities, subject to final review and approval by the City Attorney. *(This item is exempt from environmental review per §15378 of the CEQA guidelines)* **Pulled by Council Member McAdams**

- (3) Adopting **Resolution No. 2024-45**, to authorize the City Manager to execute an amendment increasing the amount of the agreement between the City of Marina and Roesling Nakamura Terada Architects, Inc. by \$17,000 for identifying community center sites, development of conceptual plans and estimated costs for community facilities, subject to final review and approval by the City Attorney. *(This item is exempt from environmental review per §15378 of the CEQA guidelines)*
- (4) Adopting **Resolution No. 2024-46**, approving agreement between the City of Marina and Fieldman Rolapp & Associates for fiscal advisory services. *(This item is exempt from environmental review per §15378 of the CEQA guidelines)*
- h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None
- i. MAPS: None
- j. REPORTS: (RECEIVE AND FILE):
 - (1) Receive a brief informational update on the status of the Mobile Vending Ordinance adopted on December 5, 2023. This action is exempt from CEQA pursuant to Section 15378 of the CEQA Guidelines. ***Pulled by Council Member McCarthy***
 - (2) Receiving Investment 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) and Abrams B Non-Profit Corporation for the quarter ended March 31, 2024
- k. FUNDING & BUDGET MATTERS: None
- l. APPROVE ORDINANCES (WAIVE SECOND READING):
 - (1) Read by Title Only and adopting **Ordinance No. 2024-04**, amending Marina Municipal Code (MMC) Section 17.62.090.A to change the term for Tree Committee members from one year to two years. This action is exempt from environmental review per § 15378 of the CEQA guidelines.
 - (2) Read by Title Only and adopting **Ordinance No. 2024-05**, adding Chapter 8.70 (Public Nuisance), to the Marina Municipal Code based on findings and California Environmental Quality Act (CEQA) exemptions Sections 15060(c)(2) and 15061(b)(3) of the CEQA Guidelines.
- m. APPROVE APPOINTMENTS:
 - (1) Appointing to Planning Commission: Richard St. John and Paul Cheng 2-seats expiring February 2026 *(This item is exempt from environmental review per §15378 of the CEQA guidelines)*

Council Member McCarthy requested to pull agenda item 10j(1) for discussion.

Council Member McAdams requested to pull agenda items 10g(2) and 10g(3) for questions.

Mayor Delgado requested to pull agenda item 10e(1) for questions.

DELGADO/BIALA: TO APPROVE THE CONSENT AGENDA MINUS 10e(1), 10g(2), 10g(3) AND 10j(1). 4-0-1(Visscher)-0 Motion Passes

10g(2)

Delgado/Biala: approve 10g(2) for the outreach regarding a bond measure. But that we add to the scope of services under public information that A, developing information messaging in fact sheets. and C. I'm looking at page 7, that the content related to the funding needs to be added to the client's website, using social media, etc., include discussion of why or why not we're selling Preston Park; and why or whether the ball fields are going to be in the mix of what the bond measure pays for.

Substitute Motion

MCADAMS/BIALA: TO ADOPT. 10g(2) WITH THE CAVEAT REGARDING THE BASEBALL FIELD (WHY OR WHETHER THE BALL FIELDS ARE GOING TO BE IN THE MIX OF WHAT THE BOND MEASURE PAYS FOR) IN THE FAQs AND NOT PRESTON PARK. 4-0-1(Visscher)-0 Motion Passes

Mayor Delgado left the meeting at 8:05 PM and Council Member Biala chaired the rest of the meeting.

10e(1)

MCADAMS/BIALA: TO APPROVE AGENDA ITEM 10e(1). 3-0-2(Visscher, Delgado)-0 Motion Passes

10g(3)

MCADAMS/MCCARTHY: TO APPROVE 10g(3) AND ASK THAT STAFF TO RESEARCH EASEMENTS ON ALL THE SITE SELECTIONS AND BRING THAT BACK TO THE COUNCIL. 3-0-2(Visscher, Delgado)-0 Motion Passes

10j(1)

Council Member McCarthy asked that this item be brought back for a full discussion when the whole council is present. The Council agreed and asked that it come back sometime in June.

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).

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).
- c. City Manager Report

(1) Update of Council directed SMART goals.

15. ADJOURNMENT: The meeting adjourned at 8:17 P.M.

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor