



MINUTES

Tuesday, June 4, 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**

THIS MEETING WILL BE HELD IN PERSON AND VIRTUALLY (HYBRID).

Council Chambers
211 Hillcrest Avenue
Marina, California

TELECONFERENCE LOCATION: ¹

Fairfield Inn / Lobby
227 West San Marcos Boulevard
San Marcos, CA, USA 92069

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: Jenny McAdams, Brian McCarthy, Kathy Biala, Mayor Pro-Tem/Vice Chair Liesbeth Visscher, Mayor/Chair Bruce C. Delgado

¹ Note: Pursuant to Government Code Section 54953(b), this meeting will include teleconference participation by Council Member Brian McCarthy from the address above. This Notice and Agenda will be posted at the teleconference location.

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS: None

4. CLOSED SESSION:

- a. Conference with Legal Counsel: Anticipated Litigation (§ 54956.9(d)(2)) 2 cases:
A point has been reached where, in the opinion of the City Council on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.
- b. Conference with Legal Counsel: Existing Litigation (§ 54956.9(d)) 1 case: (1)
Davila v. City of Marina Police Department, ARB22-0249

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

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

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

6. SPECIAL PRESENTATIONS:

- a. Proclamations
 - i. Pride Month Proclamation
 - ii. Namwon Presentation

7. COUNCIL AND STAFF ANNOUNCEMENTS:

- Council Member McAdams – Attended Pride Flag Ceremony on Saturday and noted John Laird and Wendy Root Askew attended as well. Commented on the Recreation Department’s new kiosk in City Hall for registering youths and seniors for events.
- Mayor Pro Tem Visscher – Attended the Multicultural Festival this weekend, was a fantastic event.
- Recreation Director Willer – Spoke about the Multicultural Festival and the final outcome of all the planning that went into it. 13 performances, 23 organizations represented as vendors. Estimated 1500 participants. Thanked all staff who volunteered their time. Also commented on the 2024 Aids Lifecycle at Windy Hill Park.
- Council Member McCarthy – Commented on the 2024 Aids Lifecycle event on Monday at Windy Hill Park. This ride takes place from San Francisco to Los Angeles to help raise funds for the Aids Foundation. Showed a short video of the event.

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.*

- Howard Gustafson – Commented on the Namwon presentation and provided some history on the naming of Fort Ord roads and streets as it relates to the Korean war.

- May – Commented on the Multicultural Festival and asked if the stage could be moved forward so the public could see it better. Also announced that St. Jude’s church is having a Korean lunch on June 23, 2024, from 9:00am-2:00pm, cost is \$30/per meal.
- Lorna Moffitt – Spoke about the need to keep trees, especially the eucalyptus.
- Edmundo Mecedo – Commented on the Solar Access Act and asked if the city will take steps to move into compliance.
- Doug Yount – Thank the council for its efforts in the Sister City program, great opportunity. Commented on agenda items 10m(1) commission appointments and 10e(1) and 10f(5) as they related to 2nd Ave.
- Jeff Markham – Gave acknowledgement to Councilmember Biala for her presentation on their trip to Namwon. Noted ACOM is important within the community.
- Brian Rosen – Commented about tourism and a train to the Dunes State Park.

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 104560-104617, totaling \$1,732,749.02

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. 2024-52**, approving advertising and call for bids for the 2024 Citywide Street Reconstruction Project. *(project exempt from environmental review per § 15301(b) of the CEQA Guidelines for Existing Facilities)*

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

(1) Adopting **Resolution No. 2024-53**, certifying City of Marina compliance with State law (Proposition 218) with respect to special assessment for the Cypress Cove II Landscape Maintenance Assessment District for FY 2024-2025. *(Not a Project under CEQA per Article 20, Section 15378)*

- (2) Adopting **Resolution No. 2024-54**, certifying City of Marina compliance with State law (Proposition 218) with respect to special assessment for the Seabreeze Landscape Maintenance Assessment District for FY 2024-2025. *(Not a Project under CEQA per Article 20, Section 15378)*
- (3) Adopting **Resolution No. 2024-55**, certifying City of Marina compliance with State law (Proposition 218) with respect to special assessment for the Monterey Bay Estates Landscape Maintenance Assessment District for FY 2024-2025. *(Not a Project under CEQA per Article 20, Section 15378)*
- (4) Adopting **Resolution No. 2024-56**, approving a correction to the salary schedule for the MPSMA Fire Division Chief. *(Not a Project under CEQA per Article 20, Section 15378)*
- (5) Adopting **Resolution No. 2024-57**, adopting an updated list of projects for Fiscal Year 2024-25 funded by SB 1: The Road Repair and Accountability Act of 2017. *(Not a Project under CEQA per Article 20, Section 15378)*

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

- (1) Adopting **Resolution No. 2024-58**, amending the Memorandum of Understanding (MOU) regarding cooperative assistance to comply with Senate Bill 1383, Food Waste Reduction and Organics Recycling Regulations, incorporating changes in the annual cost of program activities. *(Not a Project under CEQA per Article 20, Section 15378)*
- (2) Adopting **Resolution No. 2024-59**, calling for a general municipal election in the City of Marina on Tuesday, November 5, 2024, for the election of certain city officers; and requesting the County of Monterey agree to the consolidation of the election with the statewide general election and requesting the County Elections Department to render any and all services required to conduct the election. *(Not a Project under CEQA per Article 20, Section 15378)*

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 adopting **Ordinance No. 2024-06**, modifying Title 17 (Zoning Ordinance) to implement Program 7.1 of the Housing Element. This action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

m. APPROVE APPOINTMENTS: *(Not a Project under CEQA per Article 20, Section 15378)*

- (1) Appointing to Public Works Commission: Jaime Schraback and Joosik Choi. 2-seats expiring February 2026.

Council Member McAdams congratulated the newly appointed public works commissioners.

Council Member McCarthy commented on agenda item 10g(1) and support this item

Council Member Biala commented on agenda item 10g(1)

Mayor Pro Tem Visscher commented on agenda item 10m(1) and asked if training would be provided.

Mayor Delgado pulled agenda item 10f(5) for brief discussion and questions

DELGADO/MCADAMS: TO APPROVE THE CONSENT AGENDA MINUS 10f(5). 5-0-0-0 Motion Passes by Roll Call Vote

10f(5)

DELGADO/MCADAMS: TO APPROVE AGENDA ITEM 10f(5). 5-0-0-0 Motion Passes by Roll Call Vote

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. City Council to consider an Appeal of the Planning Commission's April 11, 2024, approval of Coastal Development Permit (CDP 23-0004) for the Monterey-Salinas Transit (MST) SURF! Busway and Rapid Transit (BRT) project. The Appeal is limited to the 0.37-acre portion of the TAMC right-of-way located in the City's Coastal permitting jurisdiction. The project is statutorily exempt from CEQA under SB 922, PRC § 21080.25(b). ***Continued from May 21, 2024.***

Public Comments:

The following participants spoke in opposition of the MST Surf Project: Steve Kennedy, Howard Gustafson, Mia Nguyen, Brian Rosen, Lorna Moffitt, Mike Kennedy, Mason Clark, Brette.

The following participants spoke in favor of the MST Surf Project: Monica Kwall, Carl Sedoryk, Todd Muck.

MCADAMS/VISSCHER: TO ADOPT RESOLUTION NO. 2024-60, UPHOLDING THE PLANNING COMMISSION'S APPROVAL CDP 23-0004 FOR THE SURF! PROJECT AND DENY THE APPEAL SUBJECT TO FINDINGS, CONDITIONS OF APPROVAL, AND CEQA STATUTORY EXEMPTION 21080.25(B); AND MODIFY CONDITION NUMBER ONE TO REQUIRE THE EXTENSION DECISION TO COME BACK TO THIS BODY. 4-0-0-1(McCarthy) Motion Passes by Roll Call Vote: Ayes: McAdams, Biala, Visscher, Delgado – Noes: None – Abstentions: McCarthy.

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. Receive presentation from Marina Coast Water District on Notice of Proposed Increase in Water, Recycled Water and Sewer Service Charges and provide staff with direction.

The city Council received a presentation from Marina Coast Water District on proposed rate increases and no direction was given.

Public Comments:

- Peter Le – Commented on the email he sent to council regarding the proposed rate increase and asked who pays the fees for the fire hydrant maintenance.

- b. Adopting **Resolution No. 2024-61**, approving the Below Market Rate Housing Agreement for the Marina Station Development and finding the action exempt from environmental review per § 15162 of the CEQA Guidelines.

Public Comments:

- Dustin Bogue – Excited about this project. Spoke about the future sale of homes under this program.
- Denise Turley – Asked who would own the rentals of this project?
- Cristina Medina Dirksen – Appreciates this project moving forward and asked about deed restrictions and delayed property taxes, like what took place for the Dunes Project. Supports the project.

Council Member McCarthy left the meeting at 11:30 P.M.

MCADAMS/BIALA: TO ADOPT RESOLUTION NO. 2024-61, APPROVING THE BELOW MARKET RATE HOUSING AGREEMENT FOR THE MARINA STATION DEVELOPMENT AND FINDING THE ACTION EXEMPT FROM ENVIRONMENTAL REVIEW PER § 15162 OF THE CEQA GUIDELINES. 4-0-0-0 Motion Passes.

- c. Adopting **Resolution No. 2024-62**, making findings and approving revisions to Mitigation Measure 4.4-1 for the Final Environmental Impact Report for the Marina Station Specific Plan and find the action exempt from environmental review per § 15162 of the CEQA Guidelines.

Council Member Biala recused herself from this item due to conflicts of interest.

Public Comments:

- Scott Waltz – Supports revision to the mitigation measure 4.4-1 of the EIR.
- Dustin Bogue – echo and share Scott's comments and look forward to mitigating it and creating a restoration plan that's successful.

VISSCHER/MCADAMS: TO ADOPT RESOLUTION NO. 2024-62, MAKING FINDINGS AND APPROVING REVISIONS TO MITIGATION MEASURE 4.4-1 FOR THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MARINA STATION SPECIFIC PLAN AND FIND THE ACTION EXEMPT FROM ENVIRONMENTAL REVIEW PER § 15162 OF THE CEQA GUIDELINES. 3-0-0-0 Motion Passes

- d. Adopting Resolution No. 2024-, approving final design of Sea Haven Park including relocating playground equipment originally purchased for Sea Haven Park to Glorya Jean Tate Park; approving final design of Glorya Jean Tate Park; approving transferring the needed unexpended fund balance of approximately \$1,813,136 from Glorya Jean Tate Park (Capital Project # QLP2119) to Sea Haven Community Park (Capital Project # QLP 2016). *(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)* ***Continued to June 18, 2024***
- e. Council update on future Police, Fire and Community Facilities and potential General Obligation Bond ballot measure. ***Continued to June 18, 2024***
- f. Briefing on the Establishment of an Enhanced Infrastructure Financing District (EIFD) with the County of Monterey and the City of Marina for the Joby Aviation Manufacturing Facility. ***Continued to June 18, 2024***

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 12:00 A.M.

ATTEST:

Anita Sharp, Deputy City Clerk

Bruce C. Delgado, Mayor