



MINUTES

Wednesday, September 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

AND

Zoom Meeting URL: <https://zoom.us/j/730251556>

Zoom Meeting Telephone Only Participation: 1-669-900-9128 - Webinar ID: 730 251 556

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 Pro-Tem/Vice Chair Liesbeth Visscher, Mayor/Chair Bruce C. Delgado

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS: None

4. CLOSED SESSION:

a. Conference with Legal Counsel: Anticipated Litigation (Govt. Code § 54956.9(d)(2)), 1 case. 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 significant exposure to litigation against the local agency.

b. Conference with Legal Counsel, Existing Litigation (Govt. Code § 54956.9(d)) 3 case(s):

(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

6:35 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

City Attorney Ortega reported out Closed Session: there was no reportable action taken.

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

6. **SPECIAL PRESENTATIONS:**

- a. Jacobs Heart Proclamation
- b. Ovarian Cancer Awareness Month
- c. National Recover Month Proclamation
- d. Recreation & Cultural Services Summer Program and Facility Improvements Update
- e. Fire Department Open House

7. **COUNCIL AND STAFF ANNOUNCEMENTS:**

- Councilmember McAdams – Announced the Monterey Bay Aquarium is offering free entry to Monterey County residents for the month of October. Starting September 10th, you can go online and secure your free tickets, you will have to make a reservation and get the tickets online. On Saturday, September 14th at 10:00am is Dad's read at the Marina Library. On Saturday, September 7th is the Marina Foundation's Marina, Man and Woman of the year, this year's recipient Erica Graham, woman of the year, Joey Silver, man of the year, and Mike Mas is getting the Marina lifetime of service award.
- Mayor Delgado – Marina High School's JV Football team beat Pacific Grove last Friday night. On September 7th from 9:00am-1:00pm this there will be a 4-H event at the Marina Library where there will be transplanting native plants from small pots to larger pots for planting at the Hilltop Park. On September 8th from 10:00am-Noon will be the monthly Citizens for Sustainable Marina litter pickup starting at Lapis Road.

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.*

- Liesbeth Visscher – Showed a short presentation of the current conditions of the city facilities.
- Caroline – Commented about Marina parks not having fencing and gates to ensure the safety of the children. Asked if the city could look into placing fencing and gates at the parks, especially the new parks going in.
- Peter Le – Noted he has submitted a written letter to the council which had several questions regarding Measure U and the spending of excess money not used to construct new fire station, response time for first responders.
- Denise Turley – Asked if a sound wall along Imjin was being considered to help reduce the sound but also keep vehicles from crashing through the fencing into someone's backyard.

- Paula Pelot – Spoke about the passing of Marina resident Dennis Paul Dyrud on July 31st and all his contributions to the community and military and asked council to adjourn the meeting in his honor.
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 105038-105213, totaling \$5,912,382.62
Accounts Payable Successor Agency EFT's totaling \$295.00
 - b. MINUTES: *(Not a Project under CEQA per Article 20, Section 15378)*
 - (1) August 7, 2024, Regular City Council Meeting
 - c. CLAIMS AGAINST THE CITY: None
 - d. AWARD OF BID:
 - (1) Adopting **Resolution No. 2024-95**, awarding a construction contract for the 2024 Citywide Street Repair: Phase 1 Residential Streets Reconstruction to Monterey Peninsula Engineering of Marina, CA for the total bid in the amount of \$7,222,216.55.
 - e. CALL FOR BIDS: None
 - f. ADOPTION OF RESOLUTIONS: *(Not a Project under CEQA per Article 20, Section 15378)*
 - (1) Adopting **Resolution No. 2024-96**, approving the designation of a portion of various City properties as shown on the Phase 2 West Final Map as 8th Street Right of Way.
 - (2) Adopting **Resolution No. 2024-97** and **Resolution No. 2024-01 (NPC)**, approving the Abrams B Housing Area Budget for FY 2024-2025, and; authorizing Finance Director to make appropriate accounting and budgetary entries.
 - (3) Adopting **Resolution No. 2024-98** and **Resolution No. 2024-02 (PPSC-NPC)**, approving the Preston Park Sustainable Community Non-Profit Corporation Preston Park Housing Area Budget for FY 2024-25, and; authorizing Finance Director to make appropriate accounting and budgetary entries.

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

- (1) Adopting **Resolution No. 2024-99**, approving an agreement between the City of Marina and Shea Homes, LP, for the Landscape Maintenance of City Parcels 7, 28 and 30 as shown on the Phase 1B Promenade Final Map as well as portions of 2nd Avenue and 8th Street. *(Not a Project under CEQA per Article 20, Section 15378)*
- (2) Adopting **Resolution No. 2024-100**, approving an agreement between the City of Marina and Shea Homes, LP, for the maintenance of right-of-way improvements within 8th Street and the Linear Park as shown on the Phase 1B and Phase 2 West Final Maps. *(Not a Project under CEQA per Article 20, Section 15378)*

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: Nonei. MAPS: Nonej. REPORTS: (RECEIVE AND FILE): Nonek. FUNDING & BUDGET MATTERS: Nonel. APPROVE ORDINANCES (WAIVE SECOND READING): Nonem. APPROVE APPOINTMENTS: None

Mayor Pro Tem Visscher stated that she needed to recuse herself from agenda items 10g(1) and 10g(2) due to conflicts.

MCADAMS/VISSCHER: TO APPROVE THE CONSENT AGENDA MINUS AGENDA ITEM 10g(1) AND 10g(2). 3-0-2(McCarthy, Biala)-0 Motion Passes

MCADAMS/MCCARTHY: TO APPROVE CONSENT AGENDA ITEMS 10g(1) AND 10g(2). 3-0-0-0 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. 2024-101**, of Intention to establish the City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services); and adopting Successor Agency **Resolution No. 2024-03 (SA-MRA)**, approving execution and delivery of a consent and waiver regarding the proposed City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services)

Mayor Pro Tem Visscher recused herself from this item due to conflict of interest.

Presentation by Jim Fabian of Fieldman-Rolloff & Associates.

Public Comments: None received

Council discussed other properties like the hotel that are currently in the CFD, current private commercial properties in CFD, requirement of signing petition, payment of funds to common fund if someone does not sign petition, City's role in this project in the future.

DELGADO/MCADAMS: TO ADOPT RESOLUTION NO. 2024-101, INTENTION TO ESTABLISH THE CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO. 2024-1 (THE DUNES WEST SIDE SERVICES); AND ADOPTING SUCCESSOR AGENCY RESOLUTION NO. 2024-03 (SA-MRA), APPROVING EXECUTION AND DELIVERY OF A CONSENT AND WAIVER REGARDING THE PROPOSED CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO. 2024-1 (THE DUNES WEST SIDE SERVICES). 3-0-1(Biala)-0 Motion Passes

- b. Adopting **Resolution No. 2024-102**, receiving an update presentation for the Del Monte Boulevard Landscaping, Multi-Modal Improvements, and Downtown Marina Streetscape; and providing input and approval of final concept design; and approving phasing the delivery of the Del Monte Boulevard Landscaping, Multi-Modal Improvements, and Downtown Marina Streetscape; and authorizing Call for Bids for the Del Monte Boulevard Median Landscaping Phase 1 Project.

Presentation by Bianca Koenig

Public Comments:

- Caroline – Asked if the cypress trees would cause damage to the streets due to the rooting system.
- Denise Turley – Asked if the crosswalk by Jack-N-Box connecting to Locke Paddon Park was part of this project?

The City Council discussed gateway signage and branding, median flagpoles, length of median wall segments, use of local native plants, design funding, traffic flow, roundabouts versus lights, possibility of forming a subcommittee to discuss native plants.

DELGADO/MCCARTHY: TO ADOPT RESOLUTION NO. 2024-102, RECEIVING AN UPDATE PRESENTATION FOR THE DEL MONTE BOULEVARD LANDSCAPING, MULTI-MODAL IMPROVEMENTS, AND DOWNTOWN MARINA STREETSCAPE, AND PROVIDING INPUT AND APPROVAL OF FINAL CONCEPT DESIGN; AND APPROVING PHASING THE DELIVERY OF THE DEL MONTE BOULEVARD LANDSCAPING, MULTI-MODAL IMPROVEMENTS, AND DOWNTOWN MARINA STREETSCAPE, AND; AUTHORIZING CALL FOR BIDS FOR THE DEL MONTE BOULEVARD MEDIAN LANDSCAPING PHASE 1 PROJECT; AND FORM A SUBCOMMITTEE OF MYSELF AND COUNCIL MEMBER MCCARTHY TO DISCUSS LANDSCAPING. 4-0-1(Biala)-0 Motion Passes

- c. Adopting **Resolution No. 2024-103**, approving the Fiscal Year 2024-25 mid-cycle budget adjustments as outlined in the staff report, and provide direction for any other Council desired adjustments, and authorizing the Finance Director to make all necessary accounting and budgetary entries.

Public Comments:

- Grace Silva-Santella – Had audio issues, texted questions to Mayor Delgado. Asked to have the Botanist/landscape architect position clarified, never heard of one professional having that many skills.

The council asked to get a copy of top sales tax producers, discussed the outstanding loan balances at Abrams and Preston Park, discussed the current vacant positions and status of filling them, business license fee information and sales tax income. Discussed the stability of salaries and benefits to our general fund, maintenance plans for facilities and infrastructures. Asked to get a 5-year projection. Also discussed the replacement of play equipment at Preston Park and fixing Windy Hill Park play equipment.

MCADAMS/DELGADO: TO ADOPT RESOLUTION NO. 2024-103, APPROVING THE FISCAL YEAR 2024-25 MID-CYCLE BUDGET ADJUSTMENTS AS OUTLINED IN THE STAFF REPORT, AND PROVIDE DIRECTION FOR ANY OTHER COUNCIL DESIRED ADJUSTMENTS, AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE ALL NECESSARY ACCOUNTING AND BUDGETARY ENTRIES; AND DIRECT STAFF TO ALLOCATE FIVE HUNDRED THOUSAND (\$500,000) FOR LOCKE PADDON PARK FOR PLANNING AND MAINTENANCE OF THE LAKE REEDS AND TREES. 4-0-1(Biala)-0 Motion Passes

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 in memory of Dennis Paul Dyrud at 10:35 P.M.

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor