



## MINUTES

Wednesday, November 6, 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

### TELECONFERENCE LOCATION: <sup>1</sup>

1004 Saga St.  
Glendora, California 91741

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

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

<sup>1</sup> Note: Pursuant to Government Code Section 54953(b), this meeting will include teleconference participation by Mayor Bruce C. Delgado from the address above. This Notice and Agenda will be posted at the teleconference location.

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. Public Employee Performance Evaluation, Unrepresented Employee (CA Govt. Code Section 54957(b)) – City Manager
- b. Real Property Negotiation (Govt. Code Section 54956.8)
  - i. Property: Marina Animal Shelter, APN: 033-171-025-000  
Negotiating Party: California State Parks  
Negotiator(s): City Manager  
Terms: Price and Terms

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

City attorney reported out Closed Session: There was no reportable action taken

5. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
6. SPECIAL PRESENTATIONS: None
7. COUNCIL AND STAFF ANNOUNCEMENTS:
  - Mayor Delgado – commented on the election results for Measure U. While the yes votes lead, the Measure needs 67% of the votes to pass and thanked the team working on getting the word out on Measure U. Congratulations to councilmembers Biala and McAdams for winning their seats and congratulations to Mike Moeller, who ran a good campaign. Commented on the MPUSD bond measure and its passing.
  - Councilmember McAdams – Commented on the voter turnout for this election year and thanked the election poll workers for volunteering their time.
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.*
- Mike Moeller – Congratulated Councilmember McAdams. Had a good time having never run for office before. Said win or lose, I walked away from this with an experience that I'll never forget and willing to do it again.
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 105513-105688, totaling \$1,449,503.53
    - Accounts Payable Successor Agency Check Number 127, totaling \$36,174.99

- b. MINUTES: *(Not a Project under CEQA per Article 20, Section 15378)*
  - (1) April 30, 2024, Special Study Session
  - (2) October 15, 2024, Regular City Council Meeting
- c. CLAIMS AGAINST THE CITY:
  - (1) Staff recommends that the City Council reject the following claim and direct sending appropriate notice of rejection to claimant: Cynthia Wills, for a claim received on October 4, 2024.
- d. AWARD OF BID: None
- e. CALL FOR BIDS: None
- f. ADOPTION OF RESOLUTIONS: *(Not a Project under CEQA per Article 20, Section 15378)*
  - (1) Adopting **Resolution No. 2024-118**, supporting the City’s application to the Pro housing Designation Program and the Pro Housing Incentive Grant Program.
  - (2) Adopting **Resolution No. 2024-119**, consenting to waiver of potential conflict of interest in connection with Goldfarb & Lipman LLP’s representation of Interim, Inc. (“Developer”) related to the construction of the Marina Kai development in the City of Marina.
  - (3) Adopting **Resolution No. 2024-120**, amending the authorized position list converting a part-time Special Events Coordinator position to a full time Recreation Specialist position.
- g. APPROVAL OF AGREEMENTS:
  - (1) Adopting **Resolution No. 2024-121**, approving the Phase 3 North/Residential Public Improvement Agreement between the City of Marina and Shea Homes, LP, (“Developer”).
- h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None
- i. MAPS:
  - (1) Adopting **Resolution No. 2024-122**, approving the Phase 3 North/Residential Final Map for The Dunes on Monterey Bay Development Project Subdivision and authorizing the City Clerk to execute the Final Map on behalf of City subject to final review and approval by the City Attorney.
- j. REPORTS: (RECEIVE AND FILE):
  - (1) October 18, 2024, ReGen Board Meeting Recap.
- k. FUNDING & BUDGET MATTERS: None
- l. APPROVE ORDINANCES (WAIVE SECOND READING):
  - (1) Read by title only and consider adopting **Ordinance No. 2024-10**, amending Title 17 (Zoning Code) of the Marina Municipal Code, and amending the City of Marina Zoning Map, to implement the Downtown Specific Plan.

m. APPROVE APPOINTMENTS: None

Councilmember McCarthy – questions for agenda items 10c(1) and 10l(1).

Councilmember McAdams – question for agenda items 10f(1).

**MCADAMS/MCCARTHY: TO APPROVE THE CONSENT AGENDA. 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. City Council receive and file the Community Facilities District Report prepared by Goodwin Consulting; conduct a public hearing regarding the establishment of Community Facilities District No. 2024-1 (The Dunes West Side Services) and the levy of special taxes within the CFD, and types of public services to be funded by the special taxes; adopt **Resolution No. 2024-123**, establishing the Dunes West Side Services CFD (the “ROF”) and calling a special election regarding the formation of the CFD and establishing an appropriations limit for the CFD; confirm all ballots have been received; receive City Clerk certification of election results; adopt **Resolution No. 2024-124**, certifying election results; adopt **Ordinance No. 2024-11**, levying the special taxes; adopt **Resolution No. 2024-125**, approving a Services Funding Agreement with the Dunes Promenade Commercial Association and Marina Community Partners, LLC and an Indemnity Agreement with Marina Community Partners, LLC.

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

Mayor Delgado opened the public hearing at 7:02pm for public comments. No public comments were made and the public hearing was closed at 7:35pm.

**BIALA/MCADAMS: TO ADOPT RESOLUTOIN NO. 2024-123, ESTABLISHING THE DUNES WEST SIDE SERVICES CFD (THE “ROF”) AND CALLING A SPECIAL ELECTION REGARDING THE FORMATION OF THE CFD AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE CFD; CONFIRM ALL BALLOTS HAVE BEEN RECEIVED; RECEIVE CITY CLERK CERTIFICATION OF ELECTION RESULTS. 4-0-0-0 Motion Passes**

**BIALA/MCADAMS: TO ADOPT RESOLUTION NO. 2024-124, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA ACTING IN ITS CAPACITY AS A LEGISLATIVE BODY OF THE CITY OF MARINA COMMUNITY FACILITIES DISTRICT NUMBER 2024-1, ALSO KNOWN AS THE DUNES WESTSIDE SERVICES, CERTIFYING THE RESULTS OF THE ELECTIONS HELD WITHIN THE DISTRICT. 4-0-0-0 Motion Passes**

**MCADAMS/BIALA: TO WAIVE FURTHER READING AND INTRODUCE BY TITLE ONLY THE ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARINA ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF THE CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO. 2024-1, ALSO KNOWN AS THE DUNES WESTSIDE SERVICES AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN THE DISTRICT. 4-0-0-0 Motion Passes**

**DELGADO/MCADAMS: TO ADOPT RESOLUTION NO. 2024-125, APPROVING A SERVICES FUNDING AGREEMENT AND INDEMNITY AGREEMENT REGARDING THE PROPOSED CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO. 2024-1. ALSO KNOWN AS THE DUNES WESTSIDE SERVICES. 4-0-0-0 Motion Passes**

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. 2024-126**, receiving a presentation and authorizing the City Manager to enter into an agreement with Leathers and Associates, Inc. for design services, project management services and construction supervision for a new inclusive playground at Dunes City Park, not to exceed \$1,707,771.00, subject to review and approval by the City Attorney.

Public Comments: None received

**MCCARTHY/BIALA: TO ADOPT RESOLUTION NO. 2024-126, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH LEATHERS AND ASSOCIATES, INC. FOR DESIGN SERVICES, PROJECT MANAGEMENT SERVICES AND CONSTRUCTION SUPERVISION FOR A NEW INCLUSIVE PLAYGROUND AT DUNES CITY PARK, NOT TO EXCEED \$1,707,771.00, SUBJECT TO REVIEW AND APPROVAL BY THE CITY ATTORNEY. 5-0-0-0 Motion Passes**

- b. Adopting **Resolution No. 2024-127**, approving Amendment No. 8 to the agreement between City of Marina and Save The Whales of Seaside, California, to provide professional services for the city of marina's storm water program, authorizing the finance director to make necessary accounting and budgetary entries, and authorizing the city manager to execute the agreement on behalf of the city subject to final review and approval by the city attorney. *(not a project under CEQA per Article 20 Section 15378 and under General Rule Article 5 Section 15061)*

Public Comments: None received

**BIALA/VISSCHER: TO ADOPT RESOLUTION NO. 2024-127, APPROVING AMENDMENT NO. 8 TO THE AGREEMENT BETWEEN CITY OF MARINA AND SAVE THE WHALES OF SEASIDE, CALIFORNIA, TO PROVIDE PROFESSIONAL SERVICES FOR THE CITY OF MARINA'S STORM WATER PROGRAM, AUTHORIZING THE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY; AND HAVE STAFF TO COME BACK WITHIN 6 MONTHS WITH EDUCATIONAL MATERIAL ON NONA AND INVESTIGATE A SPAY AND NEUTER PROGRAM. 5-0-0-0 Motion Passes**

- c. Receive a brief informational update on the status of the Mobile Vending Ordinance adopted on December 5, 2023. No action is required at this time.

Public Comments: None received

- d. Presentation by city staff on the Cypress Knolls United States Environmental Protection Agency (US EPA) Brownfield Grants Opportunities.

Public Comments:

- John Sanders – asked if this was the only presentation the public will have to comment on before taking the next steps in the process. Are there particular types of input that you hope to receive from the public this evening? Commented on being able to initiate communication with the congressman's office and with other legislative offices in the state and hopes that you're able to maintain this type of dialogue at the legislative level.
- Cristina Medina Dirksen – Gave kudos to staff. Asked if there were other grants out there once development begins? Would there be any preference given to local contractors or local marina residents or a housing program like we did with the Sea Haven development? Perfect opportunity for the public to engage. Would like to see more news flashes on the website.

14. COUNCIL & STAFF INFORMATIONAL REPORTS:

- a. Monterey County Mayor's Association [Mayor Bruce Delgado]

Mayor Delgado provided an update on the Mayor's Association meeting. Stated County of Monterey will be doing a hiring freeze and seeking public input on what can be cut from their budget.

- b. Council reports on meetings and conferences attended (Gov't Code Section 53232).

Councilmember McAdams – Attended the League of California Cities Annual meeting/expo on Oct 16-18.

Councilmember McCarthy – Attended a Defense Alliance breakfast last week, Defense Alliance is a nonprofit that has a mission to support and grow national security assets in the region.

City Manager Long – Marina hosted the Monterey Bay Area Manager's Group meeting at the end of October where I gave a presentation on Transitioning Marina and the other city managers were impressed by what Marina has done and doing. Updated Council on the Enhanced Infrastructure Financing District (EIFD) related to Joby Aviation. County adopted its EIFD policy and it's problematic in that it really doesn't do a whole lot. Marina will be meeting with the County on December 16<sup>th</sup> to review the EIFD.

15. ADJOURNMENT: The meeting adjourned at 9:10 P.M.

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Anita Sharp, Deputy City Clerk

ATTEST:

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Bruce C. Delgado, Mayor