



MINUTES

Tuesday, December 17, 2024

5:00 P.M. Closed Session

6:00-6:30 P.M. Reception

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

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, Existing Litigation (§ 54956.9(d)) 3 cases:
 - (1) *City of Marina v. Museum of Handcar Technology, et al.*, 24-CV-005126, Monterey Superior Court
 - (2) *TAMC v. City of Marina, Museum of Handcar Technology, et al.*, 24-CV-005108, Monterey Superior Court
 - (3) *Museum of Handcar Technology v. TAMC and City of Marina*, 5:24-CV-08598, United States District Court, Northern District of California (San Jose Division)

6:00-6:30 P.M. RETIREMENT RECEPTION FOR SELIA LESU AND DOUG MCCOUN

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.

Councilmember McCarthy asked to remove agenda item 13b from the agenda. Noted he attended a webinar on Building Support for Ballot Measures: Best Practices and Lessons Learned from the 2024 Election from the Institute for Local Government. Sent link to staff asking to be forwarded to the entire council for review. Need to be a little bit more diligent and have a little bit more background information before we get comfortable engaged in these kind of professionals. Need to come up with any public communication strategy.

MCCARTHY/MCADAMS: TO REMOVE AGENDA ITEM 13B FROM TONIGHT'S AGENDA. 3-2(Visscher, Delgado)-0-0 Motion Passes

City Manager Long requested to add an urgency item to the consent agenda relating to waiving formal bid process for emergency heater repairs (HVAC) at the Public Safety Building, finding that delayed procurement could significantly impact the operational effectiveness of critical public safety services.

DELGADO/MCADAMS: TO ADD THE URGENCY ITEM TO THE CONSENT AGENDA. 5-0-0-0 Motion Passes

5. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
6. SPECIAL PRESENTATIONS:
 - a. Introduce Assistant Planner, Brian Kim
 - b. Jerry Johnson aka Kona Jerry's Proclamation
 - c. Selia Lesu, Fire Department Administrative Assistant Retirement Proclamation
 - d. Doug McCoun, Fire Chief Retirement Proclamation
7. COUNCIL AND STAFF ANNOUNCEMENTS:
 - Recreation Director, Adrea Willer – Provided a brief update on the installation of the new playground at Windy Hill Park. Announced this coming Sunday, December 22, 2024, from 1:00pm-4:00pm is Marina's Winterfest event at the Community Center.
 - City Manager, Layne Long – Informed the public that all Marina offices (excluding police and fire) will be closed from December 24, 2024-January 1, 2025, for our winter break.
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.*
 - Carmen Zahiralis – Concerned about the noise levels the cement trucks create as they pass directly in front of my house, on a daily basis. The noise from these trucks permeates the interior of my house and is deeply affecting my quality of life and mental health. Recognizes that this operation has been here a long time but with new growth come many changes.

respectfully asking all of you to not approve this new 4-year lease as requested by Las Animas

- Carol Eng – co-founders of NoToLA2025, a concerned citizens group about Las Animas Concrete. Concerned about the legal exposure of the City of Marina. Noted that Las Animas Concrete LLC, status at the California Secretary of State website is "Terminated" and has been inactive since May 30, 2024. Noted business guide at its website, a business entity must be registered with the Secretary of State and have a city business license. Commented on the Planning Commission issuing a CUP in October 2024 even though Marina Zoning Ordinances, a cement company cannot operate on this parcel. Commented on the lack of a current lease versus month-to-month. Commented on SCUMB's opposition to nighttime operations. City to not vote on a new lease for Las Animas Concrete.
- Marie Weiner – Brought the Council a visual of what the cement trucks are doing to the residential streets (4-rain markers). Stated Las Animas has been operating on city-owned property which does not have a current lease for years; and has been illegally operating with unconditional use permit for seven years. Marina zoning laws indicated that a cement plant is only permitted to operate in zone M pursuant to Section 1730.020 and 030(b). The city-owned parcels where Las Animas operates are zone BP, which is Business Park, not M. It's up to the city council on whether to approve a new lease or not.
- Min Chan – Noted that there are two current continual infractions of noise emission generated by Las Animas cement trucks with respect to the Marina Municipal Code, and allowable noise limits for both exterior and interior noise, given in the Marina General Plan. Presented a short presentation on the noise measurements on California Ave. Acceptable limits range between 60-70 dB for outside and 45 dB for inside. Noted Las Animas exceeds both limits substantially. Commented on the CUP issued by the Planning Commission.
- Cristina Medina Dirksen – Appreciate the previous speakers coming forward with their concerns regarding Las Animas. Commented on agenda item 10f(4) the employee bonuses and glad the city is moving forward with the Arts Village.
- Paul Manuel – Commented on the reasoning for putting together an Ad-hoc committee for Measure U and Plan B. Thought we could put together a committee that could help the city figure out a path forward with strong public support.
- Denise Turley – Asked if someone from the City would take all the evidence present by the residents along California Avenue to Las Animas explain to them that they could be better neighbors if they would take care of this, this, and this documented problem. Commented on agenda item 10g(4), believe monies should be saved for salaries.
- Dusan Tatomirovic – Spoke on why AMP was not present to tape this meeting. Spoke about City of Marina turning 50 next year. Commented on the impacts of the last storm exposing critical vulnerabilities in the city's infrastructure, impacting both the traffic signals and the power grid. Urged council to investigate the failure of the traffic signals. Asked who is responsible for maintaining the operational integrity of those lights during severe weather?

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 105839-105955, totaling \$3,510,505.40
Accounts Payable Successor Agency EFT #111, totaling \$1,696.25
 - b. MINUTES: *(Not a Project under CEQA per Article 20, Section 15378)*
 - (1) November 26, 2024, Special City Council Meeting
 - (2) December 3, 2024, Regular City Council Meeting
 - c. CLAIMS AGAINST THE CITY: None
 - d. AWARD OF BID: None
 - e. CALL FOR BIDS: None
 - f. ADOPTION OF RESOLUTIONS: *(Not Projects under CEQA per Article 20, Section 15378)*
 - (1) Adopting **Resolution No. 2024-136**, approving regular City Council meeting schedule for 2025 Calendar Year.
 - (2) Adopting **Resolution No. 2024-137**, receiving and filing the 2024 Information Report on the adjustment of mitigation fees for new development.
 - (3) Adopting **Resolution No. 2024-138**, prohibiting horses in Hilltop Park.
 - (4) Adopting **Resolution No. 2024-139**, recognition of appreciation for all city employees and approval one one-time lump sum pay for eligible city full-time and part-time employees.
 - (5) Adopting **Resolution No. 2024-140**, waiving the City's formal bid process for emergency heater repairs (HVAC) at the Public Safety Building, finding that delayed procurement could significantly impact the operational effectiveness of critical public safety services.
 - g. APPROVAL OF AGREEMENTS: *(Not a Project under CEQA per Article 20, Section 15378)*
 - (1) Adopting **Resolution No. 2024-141**, authorizing the City Manager to execute a contract with HdL Companies not to exceed \$50,000 to provide cannabis program application review, tax audits, compliance inspections, background checks, and subject matter expertise and technical support, subject to final review and approval by the City Attorney. *(Not a Project under CEQA per Article 20, Section 15378)*

- (2) Adopting **Resolution No. 2024-142**, authorizing a joint use and access agreement between City and California State Parks for use of and access to the City's corporation yard located at 3014 Lake Court.
- (3) Adopting **Resolution No. 2024-143**, approving a Deposit and Reimbursement Agreement ("Reimbursement Agreement") regarding the Community Facilities District No. 2025-1.
- (4) Adopting **Resolution No. 2024-144**, approving agreement between City of Marina and Kimley-Horn and Associates, Inc. of Salinas, California, to provide engineering services for the Imjin Pkwy & 3rd Ave and Del Monte Blvd & Beach Rd Intersection Improvement Projects.
- (5) Adopting **Resolution No. 2024-145**, and **Resolution No. 2024-02 (NPC)**, approving Amendment No. 6 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. 2024-146**, and **Resolution No. 2024-03 (PPSC-NPC)**, approving Amendment No. 6 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.
- (6) ~~Adopting Resolution No. 2024, authorize the City Manager to execute a Public Improvement and Reimbursement Agreement for the rehabilitation of the City of Marina Arts Village Project.~~ ***Pulled by Council Member McCarthy, becomes agenda item 13e.***
- h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None
- i. MAPS: None
- j. REPORTS: (RECEIVE AND FILE):
 - (1) City Council approve comment letter for Monterey County's Sixth Cycle Housing Element.
- k. FUNDING & BUDGET MATTERS: None
- l. APPROVE ORDINANCES (WAIVE SECOND READING): None
- m. APPROVE APPOINTMENTS:
 - (1) Adopting **Resolution No. 2024-147**, approving Mayor's 2025 recommendation for Mayor Pro Tem and City Council member assignments to various Committees/Commissions/Boards.
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. Update Presentation on Habitat Management Resource Plan by Denise Duffy & Associates.

Public Comments:

- Fred Watson – Stated agenda said it was a presentation on the Habitat Management Plan but what was presented was on the Incidental Take Permits. Would like to hear more about the Habitat Management Plan.
- b. Follow up discussion regarding Measure U results and next steps direction for (Plan B) options and alternatives. **Item was tabled**
 - c. Adopting **Resolution No. 2024-148**, revising programming/design for Phase 1 of Dunes City Park.

McAdams/Delgado: to adopt Resolution No. 2024-148, project number QLF 2017, to revise the adopted programming/design for Phase I of Dunes City Park including changing two tennis courts back to pickleball courts; and adding lighting to pickleball courts, multi-use court, fitness court, volleyball courts, and pathways.

Substitute Motion

BIALA/MCCARTHY: TO ADOPT RESOLUTION NO. 2024-148, PROJECT NUMBER QLF 2017, TO REVISE THE ADOPTED PROGRAMMING/DESIGN FOR PHASE I OF DUNES CITY PARK INCLUDING:

1. **SIX (6) PICKLEBALL COURTS,**
2. **ADDING LIGHTING TO PICKLEBALL COURTS, MULTI-USE COURT, FITNESS COURT, VOLLEYBALL COURTS, AND PATHWAYS WHILE CONSULTING MIRA ON DARKSKY; AND**
3. **STAFF TO HOLD DISCUSSIONS WITH MPUSD ON UPDATING THE LOS ARBOLES MIDDLE SCHOOL (LAMS) TO TWO (2) TENNIS COURTS AND TO COME BACK TO COUNCIL IN JANUARY WITH UPDATED COST ESTIMATES;**
4. **IF MPUSD DECLINES THEN WE DO ONE (1) TENNIS COURT AND TWO (2) PICKLEBALL COURTS.**

- d. Discussion regarding Marina's 50th Anniversary and creation of an ad hoc committee.

Public Comments:

- Mike Moeller – Supports the creation of the 50th Anniversary Ad-hoc committee.

DELGADO/MCADAMS: TO APPOINT COUNCILMEMBERS BRIAN MCCARTHY AND LIESBETH VISSCHER TO THE MARINA'S 50TH ANNIVERSARY AD-HOC COMMITTEE. 5-0-0-0 Motion Passes

- e. Adopting Resolution No. 2024-, authorize the City Manager to execute a Public Improvement and Reimbursement Agreement for the rehabilitation of the City of Marina Arts Village Project. ***Pulled by Council Member McCarthy, was agenda item 10g(6).***

- 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 11:10 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor