



MINUTES

Tuesday, October 15, 2019

5:30 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**

Council Chambers
211 Hillcrest Avenue
Marina, California

1. CALL TO ORDER
2. ROLL CALL & ESTABLISHMENT OF QUORUM: (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Successor Agency of the Former Redevelopment Agency Members)

MEMBERS PRESENT: Lisa Berkley, Adam Urrutia, Frank O'Connell, Mayor Pro-Tem/Vice Chair, Gail Morton, Mayor/Chair Bruce C. Delgado
3. CLOSED SESSION: *As permitted by Government Code Section 54956 et seq., the (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency Members) may adjourn to a Closed or Executive Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City's Meyers-Milias-Brown Act representative.*
 - a. Conference with legal Counsel, anticipated litigation – initiation of litigation pursuant to paragraph (4) of subdivision (d) of CA Govt. Code Section 54956.9 – two potential cases.
 - b. Conference with legal Counsel, anticipated litigation – significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of CA Govt. Code Section 54956.9 – two potential cases

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

Robert Rathie, Assistant City Attorney reported out Closed Session: Council met at 5:30 as indicated on the agenda with regard to three of the four matters. Council received information, gave direction and no reportable action was taken.

4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)5. SPECIAL PRESENTATIONS:a Proclamations

i. Red Ribbon Week – October 23-31, 2019

ii. Breast Cancer Awareness Month

b Certificates of Recognitions, Mural Project

i. Rachel Rye

ii. Anthony Miller

c Presentation of the City's Storm Water Program for Permit Year 6d Recreation Announcements6. SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR: *Any member of the Public or the City Council may make an announcement of special events or meetings of interest as information to Council and Public. Any member of the public may comment on any matter within the City Council's jurisdiction which is not on the agenda. Please state your name for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda. City Council members or City staff may briefly respond to statements made or questions posed as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of four (4) minutes. 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.*

- Marilyn Lidyoff, Marina Economic Development Coordinator – Announced to the Council and public that she is retiring from the City on October 31.
- Tina Walsh – Our sole source of water is being threatened by the actions of the Cal-Am Corporation who is working to build a project partially within our boundaries that would extract our groundwater in massive amounts and desalinate it for their own use to sell to their ratepayers on the Monterey Peninsula. Marina will not get one drop of this water and our water source will become more contaminated by saltwater from the ocean and our beautiful shoreline will be permanently damaged. Only two-years ago agreements we made to close the Cemex Sand Mining Plant in 2020, restore its site to its natural condition and allow for increase coastal access. Instead, if the Cal-Am proposal succeeds we would be left with another industrial facility on this very same site. There is a chance to stop this Cal-Am proposal. On November 14th the California Coastal Commission development permit hearing in Halfmoon Bay. The goal of Just Water is for every Marina and Ord community resident to attend this hearing to let our voices be heard. This Cal-Am project is unfair, unnecessary and uninvited. It is unnecessary because there is a recycled water project called the Pure Monterey Water Expansion Project that can provide the peninsula all the water they need. For more information about this issue or to volunteer you're invited to attend at Just Water informational meeting at 6:00pm this Sunday at the Springhill Suites by Marriott at the Dunes or go online: www.citizens4justwater.org . Please help us to protect our water and the future welfare our city.
- Mike Owen – Announced that on Saturday, October 19th is the 8Th Annual Honor Our Fallen Run out at the VA/DoD Center. Registration/Ceremony begins at 8:00am and run begins at 9:00am. Indicated that current event person is no longer able to take on this project asked if Marina would be willing to be the lead sponsor of the project. Maybe this could be considered at the next retreat.
- Mayor Delgado – Lapis Road/Del Monte Blvd. clean-up on Sunday, October 20th from 10:00am-Noon; Shout-out to the Marina High Key Club for their help with the landscaping at the High

School and help with the cleaning up of the streets near the High School, for their fundraising for Pediatric Trauma Program and for their help with the biggest book sale at the Marina Library.

7. 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. 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 the City Council may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda for Successor Agency to the former Marina Redevelopment Agency and placed at the end of Other Action Items Successor Agency to the former Marina Redevelopment Agency.*
8. CONSENT AGENDA: *Background information has been provided to the City Council, Airport Commission, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency on all matters listed under the Consent Agenda, and these items are considered to be routine. 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 the City Council may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda and placed at the end of Other Action Items.*
 - a. ACCOUNTS PAYABLE:
 - (1) Accounts Payable Check Numbers 93476-93594, totaling \$296,240.76
Wire transfers from Checking and Payroll for August 2019 totaling: \$437,526.88
 - b. MINUTES:
 - (1) September 17, 2019, Regular City Council Meeting
 - (2) October 1, 2019, Regular City Council Meeting
 - c. CLAIMS AGAINST THE CITY: None
 - d. AWARD OF BID: None
 - e. CALL FOR BIDS: None
 - f. ADOPTION OF RESOLUTIONS:
 - (1) City Council consider adopting **Resolution No. 2019-107**, further amending Paragraphs 2 and 8.a), of Resolution 80-71 to change the hours at which the City Council will convene in closed session at a regular meeting.
 - g. APPROVAL OF AGREEMENTS
 - (1) City Council consider adopting **Resolution No. 2019-108**, approving amendment no. 3 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.
 - h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None
 - i. MAPS: None

- j. REPORTS: (RECEIVE AND FILE):
 - (1) City Council receive Monterey-Salinas Transit October 2019 Highlights
- k. FUNDING & BUDGET MATTERS: None
- l. APPROVE ORDINANCES (WAIVE SECOND READING):
- m. APPROVE APPOINTMENTS: None

DELGADO/BERKLEY: TO APPROVE THE CONSENT AGENDA. 5-0-0-0 Motion Passes

9. PUBLIC HEARINGS:

- a. City Council opening a public hearing and take any testimony from the public objecting to abate such weeds, rubbish and/or refuse, and; consider adopting **Resolution No. 2019-109**, approving abatement of weeds, accumulation of rubbish and/or refuse upon specified private property parcels to be public nuisances by the City Public Works Division, and; Set public hearing for Tuesday, November 5, 2019, to confirm any assessment of costs for weed abatement to be levied against any parcel not in compliance, and; direct filing of such levy with Monterey County Assessor's Office.

Council Questions: Are all the perc ponds in compliance? Are you aware of a state law SB1137 related to this specific issue? TAMC property along the railway, have they been notified as to the condition of their area? Do we include the TAMC property on the former Fort Ord? Does this include any type of inspection that tells a property owner who has overgrown bushes or trees that they have to restore the sidewalk to its original width? Are there any programs to help property owners who have financial issues or a way they can work with the city? Are there resources for the elderly who can't take care of this on their own or that you can direct them to?

Public Comments: None received.

DELGADO/URRUTIA: TO APPROVE RESOLUTION NO. 2019-109, APPROVING ABATEMENT OF WEEDS, ACCUMULATION OF RUBBISH AND/OR REFUSE UPON SPECIFIED PRIVATE PROPERTY PARCELS TO BE PUBLIC NUISANCES BY THE CITY PUBLIC WORKS DIVISION, AND; SET PUBLIC HEARING FOR TUESDAY, NOVEMBER 5, 2019, TO CONFIRM ANY ASSESSMENT OF COSTS FOR WEED ABATEMENT TO BE LEVIED AGAINST ANY PARCEL NOT IN COMPLIANCE, AND; DIRECT FILING OF SUCH LEVY WITH MONTEREY COUNTY ASSESSOR'S OFFICE. 5-0-0-0 Motion Passes

- b. City Council opening a public hearing, take any testimony from the public and consider reading by title only, waiving further reading, and introducing Ordinance No. 2019-, amending Title 15 of the Marina Municipal Code to adopt 2019 editions of California Building Standards Code, specifically 2019 California Building Code, 2019 California Mechanical Code, 2019 California Residential Code, 2019 California Green Building Standards Code, 2019 California Existing Building Code, 2019 California Plumbing Code, 2019 California Electrical Code, 2019 California Energy Code, and 2019 California Fire Code, with certain exceptions, modifications and additions required by local climatic, geological or topographical conditions; approving findings to support local modifications; so as to be in effect as of January 1, 2020.

Council Questions: If we wanted to support Tiny Homes more aggressively than the state would this be the place to do it or it's not part of green residential building code? Do we have a latitude to be

more aggressive in allowance of tiny homes or not? How do greywater and composting toilets play out in the 2019 code? If we spend a lot of funds on public safety to go after illegal fireworks around the holidays do we charge that expense to Safe & Sane?

Public Comments: None received

DELGADO/MORTON: TO OPENING A PUBLIC HEARING, TAKE ANY TESTIMONY FROM THE PUBLIC AND CONSIDER READING BY TITLE ONLY, WAIVING FURTHER READING, AND INTRODUCING ORDINANCE NO. 2019-, AMENDING TITLE 15 OF THE MARINA MUNICIPAL CODE TO ADOPT 2019 EDITIONS OF CALIFORNIA BUILDING STANDARDS CODE, SPECIFICALLY 2019 CALIFORNIA BUILDING CODE, 2019 CALIFORNIA MECHANICAL CODE, 2019 CALIFORNIA RESIDENTIAL CODE, 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2019 CALIFORNIA EXISTING BUILDING CODE, 2019 CALIFORNIA PLUMBING CODE, 2019 CALIFORNIA ELECTRICAL CODE, 2019 CALIFORNIA ENERGY CODE, AND 2019 CALIFORNIA FIRE CODE, WITH CERTAIN EXCEPTIONS, MODIFICATIONS AND ADDITIONS REQUIRED BY LOCAL CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS; APPROVING FINDINGS TO SUPPORT LOCAL MODIFICATIONS; SO AS TO BE IN EFFECT AS OF JANUARY 1, 2020. 5-0-0-0 Motion Passes by Roll Call Vote

- c. City Council to open public hearing taking testimony from the public and consider Planning Commission recommendation and introduce Ordinance 2019-, amending Chapter 17.06, General Zoning Regulations, of the Zoning Ordinance to establish a permitting process and appropriate standards for the short-term rental of a whole dwelling unit or portion of the same for a period of 29 consecutive days or less, along with associated regulations to mitigate negative impacts.

Council Questions: Is there anything blocking us from adopting a subsequent ordinance establishing that we would limit the total number of STR in the City? Can we make an addition to this ordinance tonight to say the approximate number that currently exists? Can we make changes tonight without having to bring this back for another first reading? What is considered “multiple listing”? is an Accessory Dwelling Unit (ADU) considered to be part of the primary residence or a separate residence? Would we consider adding a limitation on the number of nights that you could do a home-share? Does this ordinance allow persons renting a home or apartment to do short-term rentals?

Public Comments:

- Sean
- MacDonald – It was brought up at the last meeting about allowing renters to have STR’s and we’re in favor of that happening. It’s a better solution for the community. Did see anything in this ordinance about multiple listings for single residence and thinks that should be something to get a head of and think about how that would be.

BERKLEY/DELGADO: TO OPEN PUBLIC HEARING TAKING TESTIMONY FROM THE PUBLIC AND INTRODUCE ORDINANCE 2019-, AMENDING CHAPTER 17.06, GENERAL ZONING REGULATIONS, OF THE ZONING ORDINANCE TO ESTABLISH A PERMITTING PROCESS AND APPROPRIATE STANDARDS FOR THE SHORT-TERM RENTAL OF A WHOLE DWELLING UNIT OR PORTION OF THE SAME FOR A PERIOD OF 29 CONSECUTIVE DAYS OR LESS, ALONG WITH ASSOCIATED REGULATIONS TO MITIGATE NEGATIVE IMPACTS. 4-1(O’Connell)-0-0 Motion Passes by Roll Call Vote

10. 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. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

11. 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. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

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).

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

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

Mayor Delgado, the next Mayor's Association will be meeting on Friday, November 1st here in Marina at Evelin's Restaurant, next to Coffee Mia's.

b. Council and staff opportunity to ask a question for clarification or make a brief report on his or her own activities as permitted by Government Code Section 54954.2.

City Manager Long, announced tomorrow we will be having the open house for our districting over at the Library from 4:00-8:00PM and October 22nd is the last day for submitting maps; a special meeting on October 29th to discuss the GSP and get further comments; there will be a special Joint City Council and Planning Commission meeting on November 12th to provide an update on new housing laws for the state; due to conflict with council calendars was are unable to schedule our retreat in November. We're looking at possibly January 24-25, 2020. We would still be sending out an updated work plan on all of our items and where we are to date in November. Joby Aero Update – they will be submitting an application next Friday for their larger building. We still don't have a lease in place with them, but we can move forward with the application process without the lease. Next steps are for our attorney to get together and go through lease modifications.

Dan Paolini, Chief Building Official, update on Marina Airport Restaurant – Received final design from our architect. Going to use a process to avoid public bidding by contracting with sole source which uses a typical rate of construction based on today's costs. In negotiations with Gordian and also with a contractor to come up with the final scope of work. Looking to bring final proposal to Council for approval sometime in November. Joby Aero Update – Joby is very invested. They lease about half of Hanger 507 and lease the entire Hangar 527. They are not manufacturing anything yet but in the process of setting up equipment. They have TI permit for 527 for two phases of construction. In 507 they have another TI permit that is in plan check for taking half of that building for manufacturing.

Mayor Delgado, on November 14th at 9:00am in Halfmoon Bay is the California Coastal Commission 2-day meeting on Cal-Am appeal of City's Planning Commission denial of their coast development permit.

13. ADJOURNMENT: The meeting adjourned at 8:37 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor