



MINUTES

Tuesday, November 19, 2019

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 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

MEMBERS ABSENT: 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
 - c. Labor Negotiations
 - i. Marina Employee Association

City Negotiators: Layne P. Long, City Manager and Employee Relations Officer

 - d. Real Property Negotiations (CA Govt. Code §54956.8).
Property: Marina Municipal Airport: 1) South Tarmac land, APN 031-112-001, a portion; 2) Buildings 507 at 3200 Imjin Road; 3) Building 527 at 741 Neeson Road; and 4) Building 524 at 761 Neeson Road.
Negotiating Party: Joby Aero, Inc.
Property Negotiator: City Manager.
Under Negotiations: both price and terms of payment.

Public Comment prior to Closed Session:

- Bob Wallace, Cypress Airport Services LLC, tenant at Hangar 524 an have a proposal before the city to provide Fixed Base Operations (FBO) services at the airport. Here to let council know that he is there to answer any questions they might have related to our proposal and express concerns about building 524. Wanted to make sure that whatever happens related to the building is an appropriate use for that building. We have no problem with Joby being around and being on the field and being in the community, they have potential to be a great asset, but we think it's inappropriate to come and lease a hangar that would displace actual aircraft users and operators. It seems to be contrary to the FAA guidelines and might create a real problem for the city. Some of Joby's employees have been running around the airport making comments to a lot of the aircraft owners in the T-Hangars that Joby wants all the hangars on the field and that the City is going to sell all the hangars to Joby and they would have to move out. Those comments have been made to several people and there is a lot of concern.

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 went into closed session at 5:00pm and discusses all but two matters listed on the agenda and received information, provided direction and no reportable action was taken. Council reserves the opportunity to return to Closed Session following the Open Session for the discussion of Labor Negotiations and Real Property, which were not taken up earlier this evening.

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

5. SPECIAL PRESENTATIONS:

- a Introduction of four (4) Marina Police Officers
- b Housing Coalition Presentation, Tyler Williamson
- c Recreation Announcements

6. 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.*

- Mike Owen – Commented on Tree Committee and DRB swearing-in process and streamlining process. Asked if there is a Brown Act Training requirement prior to a commissioner or committee member being able to vote?
- Brian McCarthy – Commented on Brown Act training and that a lot of cities throughout California have Brown Act training online and asked if this is something Marina council look into?
- Carlos Cono, Co-Founder of Drift Central – Noted that they have hosted 40 drifting events at the Marina Municipal Airport. July 2018 hit peak for noise complaints at 27 and not proud of that. We have established a protocol to curb that and since 2018 we've had about 3-4 complaints per event.

We've curbed engine noise and now we're working on tire noise. In December it was decided by Marina Motorsports that we would be cancelled for the rest of the year. We are here to see what option we have as far as continuing our events. We are in the middle of our tire research. Spent the last month gathering information on what we provide the city beyond the financials.

- Julian Caldron, co-owner of Salinas Tire Shop – been working with Carlos and checking what tires do give out lower decibels and found there are many tires that do that. Since we have the Marina Airport it's convenient since it's 10-minutes from the tire shop. During our breaks we're able to send people who use tires to the shop and they're back right way, it's convenient. Noted that it's more expensive if we have to go out of town to drift. We've been really grateful to be able to use Marina airport for our events these past years.
- Charlie – New resident to Marina and it's nice to find an event and find a place like this especially since it's so close.
- Samuel Nichols – Shared why he goes to Drift Central and why it's positive to the community. It's close and affordable and Drift Central has a positive and safe constructive environment to drift and not do anything on the streets. The complaints to Marina Motorsports are only miniscule problems compared to the benefits that provide to the community.
- Julian Dambrasio – Going to Drift Central since he crashed his first car. Drift Central has helped him out a lot and helped him make great friends and drove him to buy another car to drift in. This has been a really great event for everybody in the community. Not only it is convenient for everybody to go to from any of the neighboring cities but also makes it for a safer environment for people who do build their drift vehicles to get off the streets and onto a closed course to not only learn their vehicle but to just have fun. As a youth from this area Drift Central has made a big difference in his life.
- Enrique Ramirez – You can consider drifting like any other recreational event, like cycling, hiking etc. Drifting is a type of artistry. If you could watch them in action it's beautiful to see them control a car so elegantly. As a business owner, them being able to continue to operate in Marina is big for my business as well as others. The skills and life lessons these guys learn is crucial. They learn to work on cars, car control skills and yes, it's noisy but I think in the grand scheme of things there are worse things out there for them. It's important that we nurture these types of eccentric activities but if you stamp it out it's going to happen anyway. Out at the airport it's safe, open and controlled.
- Anthony Cox – Here in support of the Drift Central group. Have known about their events for about two years and the initial noise complaints I've personally heard improvement in the sounds that come from them. I love drifting and believes it's a great outlet for everybody of all ages that are interested in it and the Marina airport provides a great and safe place for them to be able to participate in that hobby. I prefer to see that activity on the airport, in a safe enclosed environment than on our streets. It's good revenue for the city.
- Patrick Kelly – Business owner in Marina who builds and services a lot of these drift cars. Been in and out of this sport since he was 16. Played lots of sports growing up and this is the only one that stuck. It's provided me over that last two years a livelihood for myself and son. You're just not taking away motorsports event that a lot of kids like to be involved in, it's taking a lot away from everything. Marina has always been a good advocate as far as keeping motorsports out at the airport. When the events are here even with SCCA doing their autocross and all the stuff that's out there I can hear them out there and it's not just centrally located to complaints for us, they're just as loud. When the events are in town it boosts revenue by shopping in town for food and car supplies.

- Chris – Drifting and cars in general have taught him to don't give up when its hard. Blown up 2 engines out at the Marina Airport, I take them home repair them and do it all over again. It keeps me going. Been to drifting events in Colorado, Utah and all over California and none of them can compare to the energy that's at Drift Central. Every time I come here, I spend money in Marina. To here that this is shut down before the season is over is a little disheartening. Believes we've shown that we're taking an active effort to reduce the noise complaints.
- Mayor Pro-Tem Morton – Tomorrow morning at 9:00am at Soper Field Community Center, 220 Coe Avenue, Seaside is the first meeting regarding the Habitat Conservation Plan. It's an open meeting about all the jurisdictions that would be involved in formulating a habitat conservation plan and a (JPA) that would manage habitat management. Encourage our Community Development Director, City Manager, Council Members to be there and participate because we're going to be discussing whether or not the city wants to participate, and what would be the scope of our responsibilities if we are to participate. The Habitat Conservation Plan is about a base-wide protection to allow development to go forward with one permit issued by the appropriate agencies. Tomorrow night at 6:00pm at the same location is an actual discussion of the content of the Habitat Conservation Plan.
- City Manager Long – Provided a summary on the November 14th Coastal Commission hearing on the permit for the CalAm Desalinization Project. After review and details the Coastal Commission staff made a recommendation of denial of that project for various reasons. Primarily, it did not comply with Marina's Local Coastal Program or with the Coastal Act and had concerns about Marina's groundwater and wanted more information. By procedure the applicant can request a continuation of that hearing and not a decision, so at the request of the applicant the Coastal Commission did not make a decision but continued it to their March 2020 meeting. We had well over 100 residents from Marina came to the Council Chambers to make comment. The Coastal Commission also did for the first time ever in the commission's history had a live feed here from the Marina Council Chambers so that our residents who were not able to travel to Half Moon Bay were able to comment on that desalinization Project. We also had probably 50-75 show up in Half Moon Bay to make comments on this project. The comment from the commission after the hearing and from the commission chair was how much they appreciated the Marina residents especially how respectful they were on a very volatile issue. The decision was to continue that hearing until March 2020.
- Mayor Pro-Tem Morton – Wanted to give a shout-out to the Council Members who worked to fill the seats, to Just Water and to Public Water Now and the community effort that it took to get all of us present. Thanked the Coastal Commission for the opportunity for all of us to be heard. We will be calling on you again to join us in March 2020 so that our voices can be heard again.
- Council Member Berkley – Wanted to echo the gratitude we have for everyone who showed up, people who took the day off to go with us up to Half Moon Bay it really was an honor to be with everyone who was there, we made history. This was the first time the California Coastal Commission used the grounds for environmental justice for considering denying a permit and it was because of how well we showed up and presented our case as to who we are as a community. We still have another round to go, so on your calendars we don't know the day yet but sometime between March 11th and 13th and the city will be providing busses again. Look forward to seeing you again

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 93751-93852, totaling \$609,737.22

b. **MINUTES:** None

c. **CLAIMS AGAINST THE CITY:** None

d. **AWARD OF BID:**

- (1) City Council consider adopting **Resolution No. 2019-121**, awarding the construction contract to William A Thayer Construction of Salinas, California for the Completion of 771 Neeson Road Restaurant Remodel Project, and; increasing appropriations in FY 2019-20 Budget, Airport Capital Projects Fund 460, and; increasing appropriations in FY 2019-20 Airport Operations Fund 555, and; authorizing the Finance Director to make the necessary accounting and budgetary entries, and; authorizing City Manager to execute all contract documents on behalf of the City subject to final review and approval by the City Attorney.

e. **CALL FOR BIDS:** None

f. **ADOPTION OF RESOLUTIONS:**

- (1) City Council consider adopting **Resolution No. 2019-122**, approving regular City Council meeting schedule for 2020 Calendar Year.
- (2) City Council consider adopting **Resolution No. 2019-123**, authorizing the release of a Request for Proposals (RFP) to qualified firms for program management, design, construction management, and construction inspection services for projects in the Capital Improvement Program and Airport Improvement Programs.

g. **APPROVAL OF AGREEMENTS**

- (1) City Council consider adopting **Resolution No. 2019-124**, approving a Measure X Regional Funding Agreement with the Transportation Agency for Monterey County (TAMC) to receive funding for the Marina-Salinas Multimodal Corridor-Imjin Parkway Widening Project, and; authorize the City Manager to execute the agreement on behalf of the City Council subject to final review and approval by the City Attorney.
- (2) City Council consider adopting **Resolution No. 2019-125**, approving Amendment # 1 to the Master Programs Funding Agreement with the Transportation Agency for Monterey County (TAMC) for the local allocation

and expenditure of Measure X Transportation and Safety Investment Plan funds, and; authorize the Finance Director to make the necessary accounting and budgetary entries, and; authorize the City Manager to execute the amendment on behalf of the City Council subject to final review and approval by the City Attorney, and; authorize the City Manager to submit reports to TAMC as required by the Agreement.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

(1) Monterey-Salinas Transit November 4, 2019 Board Meeting Highlights

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING):

(1) City Council waive second reading in full and read by title only and consider adopting adopt **Ordinance No. 2019-03**, 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.

m. APPROVE APPOINTMENTS: None

City Attorney Rathie pulled 8l(1) for a Roll Call Vote.

O'CONNELL/BERKLEY: TO APPROVE THE CONSENT AGENDA MINUS 8l(1). 4-0-1(Delgado)-0 Motion Passes

O'CONNELL/BERKLEY: TO APPROVE 8l(1). 4-0-1(Delgado)-0 Motion Passes by Roll Call Vote

9. PUBLIC HEARINGS:

a. City Council open public hearing and consider adopting **Resolution No. 2019-126**, holding a public hearing to consider draft district boundary maps and receive additional public input.

Council Members disclosed if they submitted any draft maps or helped anyone create any of the maps.

Council Member Urrutia submitted three draft maps 111, 112, & 113, received emails from the public and has not responded.

Mayor Pro-Tem Morton did not submit or assist with any draft maps, received email and has not responded.

Council Member Berkley did not submit or assist with any draft maps, received emails from the public and has not responded.

Council Member O'Connell did not submit or assist with any draft maps, received emails as to the process and existing draft maps.

Council Member Urrutia asked if he could share a revised map that would have showed what he intended on one of his maps that was reject due to "Not Population Balanced" to be considered tonight.

City Attorney Rathie, maps needed to be published 7-day prior to the meeting.

O'CONNELL/BERKLEY: THAT WE WORK WITH THE MAPS THAT WE PRESENTLY HAVE AND WE DO NOT EXTEND ANY TIME FOR ANY ADDITIONAL MAPS TO BE SUBMITTED BY THE PUBLIC OR BY ANY COUNCIL MEMBER. 3-1(Urrutia)-1(Delgado)-0 Motion Passes

Public Comments:

- Brian McCarthy – Sad that the participation on this is low but would agree that as much additional participation that we can garner is not a bad thing. Not been impressed with this process and thinks the timeline for this process has been compressed to the extent that you're all suffering. I don't see any reason why you wouldn't keep open to the public to encourage as much participation as possible.
- Mike Owen – As the Assistant City Manager can attest I squeezed in at the last moment to throw in my little map but also have to admit that the only class I flunked in college was math, so I total defer to anybody that goes through the number crunching and if there's a possibility that Council Member Urrutia has some magic solution that he just so happened upon and we have enough time then why not?

Urrutia/Berkley: that we remove from consideration Maps 104b, 109b, and 110b. Motion dies for a lack of second

Council Member Berkley withdrew her Second on the motion.

O'Connell/Morton: to accept Maps 109b. 2-2(Berkley, Urrutia)-1(Delgado)-0 Motion Fails

Substitute Motion

Berkley/ Urrutia: to accept Maps 109b, 110b and 112b. 2-2(O'Connell, Morton)-1(Delgado)-0 Motion Fails

Public Comments on Motion and Substitute Motion

- Brian McCarthy – Still learning and in looking behind him heartbroken and surprised that he thought more people would be interested. In response to why you might want to break up a minority district I would say that you don't. Last year a federal judge found that in Kern County a supervisor's map split a Latina dominated portion of the county across multiple seats depriving Latina's an equal opportunity to elect representatives of their choice. The County was ordered back to the drawing board. So, that a reason you may not want to break up certain minority districts. Spoke about AB849, Fair Maps Act and the fact and it's something I haven't heard in this discussion. Arguably it doesn't play into what is going on now, but it will play into the map making process in the future. There is a lot of information in AB849 and suggest Council look into it, it will affect redistrict maps in the future.
- Mike Owen – As indicated the number crunching is something that I'm totally awed that you guys can grapple with, that's way beyond me. The thing that I do know is my neighborhood. This weekend I finished campaign walking Monterey Bay Estates. I can't speak for Monterey Bay Estates even though I feel like I can and assuming arrogantly I do I would say they would totally be

astounded that you would figure that they were going to be in the same district as Preston Park and Sea Haven. There is just no commonality. Monterey Bay Estates is very diverse. That's not my impression of Sea Haven or the Dunes. One of the things I tried to illustrate with my turn in before the deadline last week was that Monterey Bay States is just this one little circle. The rest of that is ground squirrel city and there is actually only one voter at 337 Reservation Road on that whole line that connect supposedly the rest of new Fort Ord or developed Fort Ord. That's what the previous speaker was indicating as far as gerrymandering. In actuality that is a gerrymandering district. To connect that one little subdivision, Monterey Bay Estates down Reservation, all commercial, no registered voters, I know that what you count but I don't know if you count like owners of shops and stores. Do you count those as residences if so, there is zero until you get to Preston, Sea Haven and the Dunes? I support the motion because at least you're doing away with Map104 which similarly divides the two sections like that.

Urrutia/Berkley: to consider at our next meeting on December 3rd Maps 109b and 112b.

Public Comment on Motion

- Mike Owen – Supports the motion.
- Brian McCarthy – Read Section 21601 of AB849, says “council shall adopt district boundaries using the following criteria as set forth in the following order: 1) *to the extent practical a council district shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous;* 2) *To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates;* 3) *Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city;* 4) *To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations”* The council shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party. I mentioned to you about language groups over the last several hearings and AB849 actually directly addresses language groups. We've heard nothing about language groups in any of our public hearings. Understand that is two members are in the same district it doesn't necessarily end someone's term prematurely as they would still be able to fulfill their elected term it just means the possibility of two council members who like each other will have to run against each other. When looking at Map109 see's gerrymandering.

Substitute Motion

O'CONNELL/MORTON: TO MODIFY MAP 109b SLIGHTLY AS TO EXPANDING DISTRICT 2 TO INCLUDE AN ADDITIONAL 100 OF THE POPULATION AND WE ACCEPT THAT AS THE MAP. 3-1(Urrutia)-1(Delgado)-0 Substitution Motion Passes

Public Comment:

- Brian McCarthy – of 109b and 112b I continue to like 112b better. I look at 109b and the imagery of it alone is concerning. When the average member of the public sees this map, they're going to ask a lot of questions as to why it's winding in and out and not as succinct as the others.

- Mike Owen – commented that over half of the residents of Monterey Bay Estates is not registered to vote and very adamant about not wanting to vote. Not sure how that factors in and it's not broken down into ethnic groups.

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]

Nothing to report

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.

Council Member O'Connell – Attended the ribbon cutting ceremony for Marina High Schools new gym. It is a fantastic building and the first basketball game will be this Thursday starting at 5:00pm with the girl's game then followed by the boy's game. Great turnout and we got a chance to go through the entire building. Now is the time to really step up and support the athletes in this city.

City Manager Long – Received text from the Mayor, so he is obviously is awake and well and said "this is messy but you're doing a good job sorting this issue out".

13. ADJOURNMENT: The meeting adjourned back into Closed Session at 9:20 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Gail Morton, Mayor Pro-Tem