



ACTION MINUTES

Wednesday, January 22, 2025

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

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: Brian McCarthy, Kathy Biala, Mayor Pro-Tem/Vice Chair Liesbeth Visscher, Mayor/Chair Bruce C. Delgado

MEMBERS ABSENT: Jenny McAdams (Excused)

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS:

- Marie Weiner – Spoke about Las Animas Lease should be given only one year to wrap up their operations and clear the land of their plant and their equipment.
- Carol Eng – making an appeal on behalf of the people in the area to the city of Marina to deny Las Animas Concrete lease.

4. CLOSED SESSION:

- a. Conference with Legal Counsel, Existing Litigation (§ 54956.9(d)) 3 cases:
 - i. *City of Marina v. Museum of Handcar Technology, et al.*, 24-CV-005126, Monterey Superior Court

- ii. *TAMC v. City of Marina, Museum of Handcar Technology, et al.*, 24-CV-005108, Monterey Superior Court
- iii. *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)
- b. Real Property Negotiation (Govt. Code Section 54956.8)
 - i. Property: 499 9th Street, Marina, CA APN: 860-004-696-000
 Negotiating Party: Las Animas Concrete & Building Supply Inc
 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 Rene Ortega reported on the Closed Session: Council provided direction in Closed Session, and we will be bringing one item back to closed session on February 4th. that is item 4b.

- 5. **MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE** (Please stand)
- 6. **SPECIAL PRESENTATIONS:**
 - a. Community Development Block Grant Program
- 7. **COUNCIL AND STAFF ANNOUNCEMENTS:**
 - Councilmember McCarthy – CSUMB is holding a TEDx. On Saturday, January 25th, REI is having an event with Senator Laird at 10:00 A.M. On January 31st the Monterey Bay Defense Alliance is hosting a breakfast.
 - Mayor Pro Tem Visscher – Commented on the MLK Event held on January 20th.
 - Mayor Delgado – Spoke about the MLK Event on January 20th.
- 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.*
 - John Sanders, commented on attending the October 15, 2024, meeting and asking a few questions, still waiting for a reply.
 - Christine Benson, asked if there was a rise in the homeless population. Asked if there was any area that we might be able to designate for a camping area or some other location that would be safe for those who are unhoused.
 - Howard Gustafson, commented on the development of the former Fort Ord and the past council's role in it and what this council is doing. Asked what 13c would be heard?
 - Denise Turley – Commented on the CDBG Presentation and noted the phone number provided leads to some other company.

- Grace Silva-Santella – Comments on the CDBG presentation and would hope the Council will look at the CDBG money to assist some of our lower income house rich but cash poor residents.
- Marie Weiner, spoke about Las Animas truck noise in the Dunes residential neighborhood.
- Min C – Commented on the noise coming from Las Animas trucks from 6:30am on.
- Carol Eng, spoke about Las Animas Concrete noise request the council deny their request.

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 105956-106142, totaling \$3,139,549.30.

b. MINUTES: *(Not a Project under CEQA per Article 20, Section 15378)*

(1) December 17, 2025, Regular City Council Meeting

(2) January 7, 2025, Special City Council Meeting

(3) January 9, 2025, Special City Council Meeting

c. CLAIMS AGAINST THE CITY: None

d. AWARD OF BID:

(1) Adopting **Resolution No. 2025-01**, awarding a construction contract for the Glorya Jean Tate Park Improvements Phase 2 Project to Monterey Peninsula Engineering of Marina CA for the grand total bid in the amount of \$4,526,351.90.

e. CALL FOR BIDS: None

f. ADOPTION OF RESOLUTIONS: *(Not a Project under CEQA per Article 20, Section 15378)*

(1) Adopting **Resolution No. 2025-02**, approving the allocation and appropriation of \$80,000 from unallocated General Funds to the Capital Improvement Program adding the Reservation Road Corridor Operations Study HSR2501.

- (2) Adopting Resolution No. 2025-, authorizing an additional \$40,000.00 from the General Fund to CIP Number APF2321-Los Arboles Court Resurfacing Project.

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

- (1) Adopting **Resolution No. 2025-03**, amending the contract for auditing services to Chavan and Associates, LLP (C&A), Certified Public Accountants (CPA), for one additional in the amount of \$67,500.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

- (1) Monterey-Salinas Transit December 9, 2024, and January 13, 2025, Board Meeting Highlights.
- (2) Adopting **Resolution No. 2025-04**, receiving and filing the fiscal year 2023-2024 annual report on the collection and use of mitigation fees for new development impacts.
- (3) Adopting **Resolution No. 2025-05**, receive and file the City's Annual Audit for the period ending June 30, 2024; and, receive and file the City's Annual Transportation Safety and Investment Plan Account Funds with Independent Auditors' Report for the period ending June 30, 2024; and receive and file the City of Marina Auditor Governance Letter (SAS 114) and Management Letter (SAS 115) for the fiscal year ending June 30, 2024.

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS: None

Mayor Pro Tem Visscher had comments on 10d(1), 10g(1) and 10j(3). Requested to pulled agenda item 10f(2)

Councilmember Biala had comments on 10j(3)

DELGADO/VISSCHER: TO APROVE THE CONSENT MINUS 10f(2). 4-0-0-0 Motion Passes

10f(2)

Mayor Pro Tem Visscher made comments related to the tennis courts. Asked is the city council get a clear agreement with MPUSD on the use of the tennis courts.

VISSCHER/BIALA: THAT WE POSTPONE THE DECISION ABOUT RESURFACING THE COURTS AT LOS ARBOLES UNTIL AN AGREEMENT HAS BEEN REACHED WITH MPUSD; AND LIABILITY ISSUES HAVE BEEN RESEARCHED. 4-0-0-0 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. Open public hearing and consider adopting **Resolution No. 2025-06**, approving the draft Coastal Hazards / Sea Level Rise amendments to the City's Local Coastal Program and authorizing the City Manager to submit the amendment to the California Coastal Commission (CCC) for final certification.

Public Comments:

- Christine Benson – Has concerns about Highway 1 and access to roads, asked if the plan is inclusive of potentially other on ramps. Will residences that are near be impacted either by those erosions or the retreat plan.
- Howard Gustafson – Spoke about sea level rise and that the ice has been melting for 22,000 years and doesn't think we're reaching towards the end.

City Council discussed coastal armory protection and impacts, Highway One protection, dunes erosion, MCWD Wastewater plan, Monterey Bay Beach Nourishment Program, Locke Paddon Park, grant history.

MCCARTHY/BIALA: THAT WE ADOPT RESOLUTION NO. 2025-06, APPROVING THE DRAFT COASTAL HAZARDS / SEA LEVEL RISE AMENDMENTS TO THE CITY'S LOCAL COASTAL PROGRAM AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION (CCC) FOR FINAL CERTIFICATION. 4-0-0-0. Motion Passes

- b. Open public hearing and introducing **Ordinance No. 2025-01**, establishing Chapter 12.13, Dog Park Rules and Regulations, in Title 12 of the City of Marina Municipal Code; and finding the proposed ordinance is not a project under CEQA.

Public Comments:

- Denise Turley – Asked if the city was planning to add a dog park to the Preston Sports Park?
- Christine Benson – Noticed a typo in Section O, the word tow should be two. Asked about dogs barking, vaccinations and owners monitoring their dogs waste enforcement requirements.

City Council discussed enforcement of waste pickup, vaccinations, out of town guests, QR codes or enforcement phone number on signs.

MCCARTHY/BIALA: THAT WE INTRODUCE ORDINANCE NO. 2025-01, ESTABLISHING CHAPTER 12.13, DOG PARK RULES AND REGULATIONS, IN TITLE 12 OF THE CITY OF MARINA MUNICIPAL CODE; AND FINDING THE PROPOSED ORDINANCE IS NOT A PROJECT UNDER CEQA. 4-0-0-0 Motion Passes by Roll Call Vote

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. Received final report of the Marina Diversity, Equity and Inclusion Task Force.

Report presented by Councilmember Kathy Biala, Jacinto Salazar, Mayor Pro Tem Liesbeth Visscher, Joanna Wong, Police Chief Rand Hopkins.

Public Comments:

- Howard Gustafson indicated that the Federal government is getting rid of all the DEI programs.
- Christine Benson, fantastic amount of work and got a lot out of it. Suggested removing the requirements for certain things under hiring and replace it with hiring programs to help elevate the on-the-job training.
- Cristina Medina Dirksen, thanked the council for recognizing the need for and importance of looking through some of our policies through a very different lens.

- b. Adopting Resolution No. 2025, authorize the City Manager to execute a Public Improvement and Reimbursement Agreement for the rehabilitation of the City of Marina Arts Village Project.

Public Comments:

- Howard Gustafson noted those buildings were part of the Korean War building and used for quartermaster warehouses.
- Kevin Dayton, noted that the current warehouse, as is, is somewhat unsightly from Highway One. The council should move forward on this regardless of what it is.
- Jackie Hutchinson, buildings good for studio space, performance space, venues for rehearsals Storage space.
- Mike Moeller advocating for demolishing the building has no real value for the investment over next 5-10 years. Suggests the city cut this property loose and take it down.

Council discussion on shared fees for stabilization, property security, roofing insulation and materials, cost of preservation vs. cost of demolition.

DELGADO/VISSCHER: WE DON'T DO ANYTHING ABOUT TAKING THE DEVELOPER'S OFFER; WE GET A WALKTHROUGH WITH JACKIE ATCHINSON FROM THE MONTEREY COUNTY ARTS COUNCIL; WE GET SOME INFORMATION ON INSTALLATION SUCH AS THAT SKIM SHEET AND WE GET A LITTLE BIT BETTER FINANCIAL PLAN THAN WE HAVE HERE, AS FAR AS WHERE THE MONEY CAN COME FROM.

- c. Consider introducing Ordinance No. 2025-, amending Ordinances Nos. 90-8, 86-6, 85-3, and 79-12 to revise the compensation for Mayor and Councilmembers. ***Continued to February 4, 2025***

- d. Adopting **Resolution No. 2025-07**, authorizing the appointment of Doug McCoun, as a retired annuitant to the vacant position of Interim Fire Chief.

Public Comments: None received.

DELGADO/BIALA: TO ADOPT RESOLUTION NO. 2025-07, AUTHORIZING THE APPOINTMENT OF DOUG MCCOUN, AS A RETIRED ANNUITANT TO THE VACANT POSITION OF INTERIM FIRE CHIEF. 4-0-0-0 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 at 11:27 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor