



## MINUTES

Tuesday, February 5, 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 AND SUCCESSOR AGENCY OF THE  
FORMER MARINA REDEVELOPMENT 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)  
  
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 Conference with legal Counsel, initiation of litigation pursuant to paragraph (4) of subdivision (d) of CA Govt. Code Section 54956.9 – 1 potential case; existing litigation pursuant to paragraph (1) of subdivision (d) of CA Govt. Code Section 54956.9 – Marina Community Partners LLC v. Fort Ord Reuse Authority, Monterey Superior Court Case 18CV000871?
  - b. Real Property Negotiations
    - i. Property: Building 535, 711 Neeson Road (APN 031-112-025, a portion).  
Negotiating Party: Light in Motion, Daniel Emerson  
Property Negotiator: City Manager and Eric Frost, Interim Finance Director  
Terms: Price and Terms
    - ii. Property: Imjin Parkway/Landfill Site APNs 031-101-039,031-101-040, 031-101-041 and 031-101-042  
Negotiating Party: County of Monterey and Successor to the Redevelopment Agency of the County of Monterey  
Property Negotiator: City Manager  
Terms: Price and Terms

c. Labor Negotiations

- i. Marina Professional Firefighters Association (MPFFA)
- ii. Marina Employee Association (MEA)

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

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 this evening on two of the three subject matters listed on the agenda. They received information and provided direction concerning the matters of Litigation and also Real Property Negotiations. Information was given, and direction was provided, no reportable action was taken. The Council reserved the right this evening after the meeting to return to Closed Session to consider Labor Negotiations.

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

5. SPECIAL PRESENTATIONS:

- a Donna White, Police Commander
- b MPUSD Update by PK Diffenbaugh
- 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.*

- Mickael Bascou, Sanctuary Rock Gym – Been on the Peninsula for 23 years in Sand City and will be closing this as Sand City has approved a large development with apartments and a hotel in our neighborhood. Been looking for a new space and have been in contact with City staff and did a tour of the old swimming pool on Fort Ord. Submitted a proposal to Council and staff for the use of the pool building and hopes the city would be willing to work with them. This could be a great location.
- Christina Medina-Dirksen – Commented on conducting the Point in Time Census which is a capturing of how many homeless people we see. Our jurisdiction was Marina and we had the barracks, from REI back to Abrams Park. Homelessness can be spotted everywhere even driving down the highway. Urged Council to think creative solutions when thinking about affordable housing. Permitting fees are astronomical even for “Tiny Homes”. Asked Council when they set their priorities for this coming year to think creatively.
- Wendy Askew – Noted the City of Seaside is hosting Community Town Hall meeting on February 13<sup>th</sup> from 6:00-8:00pm at the Oldemyer Center to talk about what role Seaside might play in terms of hosting a homeless shelter utilizing HEAP funds that have become available. Encourage and

asked Council to do the same thing to look hosting an opportunity to solicit community feedback of what some of the options are for Marina at potential locations.

- Mike Owen – Commented that about 1 ½ years ago had asked the Council to support the Safe Parking Program over at Supervisor Parker’s area.
- Mayor Pro-Tem Morton – Asked is public agencies can make an application for HEAP Funds; announced on February 8, 2019 at 2:00pm is the FORA Board meeting where the Transition Plan will be discussed.
- Council Member O’Connell – Announced that MST is looking for coach drivers. If you are interested contact MST or go to their website: [www.mst.org](http://www.mst.org)
- Council Member Urrutia – Announced on February 16, 2019 at 9:00am the Friends of Marina Parks will be having another park cleanup at Los Arboles Sports Complex.
- Mayor Delgado – Announced on February 10, 2019 from 10:00am-Noon Citizens for Sustainable Marina will have another Lapis Road cleanup; announced April 13, 2019 from 9:00am-11:30am is Earth Day Event at Locke Paddon Park; commented on Pismo Beach pilot recycled water program where they take twice treated water conduct four other treatments and make it potable, ready to drink and put back into the groundwater and extracted at a late date after blending for six months.

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 91403-91593, totaling \$1,988,924.54  
Accounts Payable Successor Agency Check Number 27-28, totaling \$4,353.69

b. MINUTES:

- (1) ~~December 4, 2018, Regular City Council Meeting~~
- (2) ~~December 18, 2018, Regular City Council Meeting~~
- (3) ~~January 8, 2019, Special Joint City Council/Planning Commission Meeting~~
- (4) ~~January 15, 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. 2019-07**, finding the previously approved (November 20, 2018) Combined Development Permit for the Veteran’s Transition Center (VTC) Permanent Supportive Housing at 229-239 Hayes Circle consistent with the Fort Ord Base Reuse Plan.

g. APPROVAL OF AGREEMENTS:

- (1) City Council consider adopting **Resolution No. 2019-08**, approving an Agreement between Adams Ashby Group, Inc., and the City of Marina in an amount not to exceed \$100,000 for General Administration Oversight and Labor Standards Compliance contingent upon the City receiving a CDBG grant award and approval from the California Department of Housing and Community Development (HCD) to build a Senior Citizens Community Center; authorizing the City Manager to execute the Agreement on behalf of the City subject to final review and approval by the City Attorney; authorizing the Finance Director to make the necessary budgetary and accounting entries.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS:

- (1) City Council consider adopting **Resolution No. 2019-09**, accepting the 2018 Citywide Street Repair Project for digouts and chip seal, and; authorizing filing of Notice of Completion with Monterey County Recorder’s Office.

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

- (1) ~~City Council consider adopting Resolution No. 2019 , receiving and filing City of Marina auditor governance letter (SAS 114), and City auditor management letter of comments (SAS 115) for fiscal year ended June 30, 2018. ***Pulled by Council Member O’Connell, to be brought back on February 20, 2019***~~

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS: None

City Manager pulled agenda items 8b(1), 8b(2), 8b(3) and 8b(4) for typo edits.

Council Member O’Connell – submitted questions for 8j(1), had not received response. Requested 8j(1) be pulled and brought back at the next meeting.

Council Member Berkley – question for 8h(1). What period was the maintenance year?

Mayor Pro-Tem Morton – question for 8g(1). We will be adding a disclosure to this contract or the CDBG Application that the sales of marijuana is legal in our state and city, correct?

**DELGADO/URRUTIA: TO APPROVE THE CONSENT MINUS 8b(1), 8b(2), 8b(3), 8b(4) AND 8j(1). 5-0-0-0 Motion Passes**

9. PUBLIC HEARINGS: None

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).*

- a. City Council consider adopting **Resolution No. 2019-10**, authorizing the Downtown Street Banner Program series number four, and; authorizing the City Manager to incorporate this series into the Downtown Marina Street Banner Program.

Presented by Marilyn Lidyoff, Economic Development Coordinator and Dawn Alva, Economic Development Commissioner

Council questions: What are the goals of the Banner Program? How does that relate to the EDC Goals/Tasks? Did the EDC provide input/comments? What is your feedback to social media asking why was \$25,000 spend on banners vs. fixing streets? Can we send these to be properly translated to make sure we are saying things correctly? Where was the research done for selecting the languages? Can we remove the exclamation points at the top of the banners? How many banners do we get for the \$25,000? Did the marketing/professionals like the exclamation points? Do you know what percentage of Marina residents speak Spanish, French, Portuguese etc.?

**DELGADO/URRUTIA: TO APPROVE RESOLUTION NO. 2019-10, AUTHORIZING THE DOWNTOWN STREET BANNER PROGRAM SERIES NUMBER FOUR, AND; AUTHORIZING THE CITY MANAGER TO INCORPORATE THIS SERIES INTO THE DOWNTOWN MARINA STREET BANNER PROGRAM, WITH THE CAVEAT THAT THE SENSITIVITY OF THE CULTURAL INACCURACY OF THESE EXPRESSIONS ARE CHECK OUT BY PROFESSIONALS AND THAT WE REMOVE THE EXCLAMATION POINTS AND ENLARGING THE SPACE FOR THE TOP AND BOTTOM. 5-0-0-0 Motion Passes**

- b. City Council consider adopting **Resolution No. 2019-11**, adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for the Imjin Parkway Widening Project.

Presented by Edrie Delos Santos, Senior Engineer

Council questions: Are we done with the plant surveys? Who is funding this? Do we get any money from FORA? Is this project part of the Multi-Model Corridor? Has this been vetting through TAMC and FORA, through all the jurisdictions agreeing that this is the component of that multi-model corridor within the City of Marina connecting up at Reservation? What is the plan for tree replacement? Is it required to plant pines and cypress vs. native or coastal live oaks?

**MORTON/URRUTIA: that we adopt resolution no. 2019-11, adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for the Imjin Parkway Widening Project.**

Public comments:

- Mike Owen – Commented of the 552 trees to be removed shouldn't this have gone through the Tree Committee for approval?

Council questions continued... What is the response to Mr. Owen's concerns about the participation of the Tree Committee on this particular matter? Wouldn't it be appropriate to include the Tree Committee? Do we have a right to impose our tree permitting process on County land? If there's no room for some of the trees to be planted adjacent to the project can they be planted inland to the south?

Mayor Delgado asked for an amendment to the motion, to include some language that the city be openminded to any considerations that are appropriate with the tree replacement program regarding involving the Tree Committee, maybe the species composition, if there's room for changes that the community thinks is appropriate that they be considered at the Tree Committee level?

Mayor Pro-Tem Morton – so, I'm going to accept that amendment for the purpose of discussion.

Brian McMinn, PW Director – as a matter of procedure this is one of the last discretionary acts before we come to Council and say give us the authorization to ahead and bid the project. One of the things along with accepting or approving the CEQA determination is approving the project in concept. Approving the project in concept will allow the city to issue the Notice of Determination.

Mayor Delgado withdrew his amendment to the motion.

**Modified Motion**

**MORTON/URRUTIA: THAT WE ADOPT RESOLUTION NO. 2019-11, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR THE IMJIN PARKWAY WIDENING PROJECT WITH CONCEPTUAL APPROVAL OF THE PROJECT. 5-0-0-0 Motion Passes**

- c. City Council consider adopting **Resolution No. 2019-12**, authorizing the City Manager to execute a contract with HdL Companies not to exceed \$49,500 to provide cannabis program subject matter expertise, to develop and manage the process to select permitted cannabis businesses, to provide inspection compliance services and to conduct a cost recovery study for the creation of application fees consistent with the voter approved Cannabis Ordinance, subject to final review and approval by the City Attorney; and authorizing Finance Director to make appropriate accounting and budgetary entries.

Presented by Matt Mogensen, Assistant City Manager and David McPherson, HdL

Council questions: How many staff do you have that are working on municipal cannabis issues for cities and counties? Of those hundreds of applications, you have the addition of a number of applications from our city is within your work load capacity? From potential businesses interests expressed to city staff relayed to you approximately how many applications/requests do you think Marina might have? If you include the impact of stores within the radius of miles on consumer purchase power will that affect the application process and also who the city wants to approve for that process? Noted incomplete address in contract, can that be corrected? Are there any other cost the city will incur that we would necessarily need to recover from the application fees that we may not be able to recover if this contract is this large based on a target of 5-6 applicants?

**URRUTIA/BERKLEY: THAT WE APPROVE RESOLUTION NO. 2019-12, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH HDL COMPANIES NOT TO EXCEED \$49,500 TO PROVIDE CANNABIS PROGRAM SUBJECT MATTER EXPERTISE, TO DEVELOP AND MANAGE THE PROCESS TO SELECT PERMITTED CANNABIS BUSINESSES, TO PROVIDE INSPECTION COMPLIANCE SERVICES AND TO CONDUCT A COST RECOVERY STUDY FOR THE CREATION OF APPLICATION FEES CONSISTENT WITH THE VOTER APPROVED CANNABIS ORDINANCE, SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY; AND AUTHORIZING FINANCE DIRECTOR TO MAKE APPROPRIATE ACCOUNTING AND BUDGETARY ENTRIES.4-1(O'Connell)-0 Motion Passes**

Public comments:

- Tim Ledesma – Supports motion. Happy to see it moving forward. Hopes that past discussions with current council and past planning commissioners would all support this as we’ve spoken in the past.
- Sam Rashkin – Support motion. Commented that most of the cities are now more into making money than the medicinal aspect of it. Commented that the rise in fees are now pushing the local small businesses out, the small businesses who first initiated this. Would like Marina to do something different than all the other cities and open it up to other opportunities and create your own plan vs. copying other cities.
- Tony Rafolla – Measure V passed by 2/3<sup>rd</sup> of the votes. See that hiring a professional company to do a study, which they have the experience. Believes this is the right way to do it. \$50,000 is not a big amount of money compared to the applicant fees when they apply.
- Joey Espinoza – Support HdL coming in and helping this process work well for Marina. Have experience with cities that do and don’t use HdL and can say that HdL makes the process much easier for both the city and the applicant.
- Seth Smith, Santa Cruz Veteran’s Alliance – HdL has been very instrumental in the City of Watsonville in the process of establishing cannabis ordinances and Watsonville has been kind of the model for getting it done in a fair and transparent way. Wants Council to support this resolution and hire HdL to provide this report for Marina.
- Christine Medina-Dirksen – helped canvass the neighborhood on this initiative and wanted to remind the Council the residents of Marina supported this industry coming in to town. Support the contract with HdL coming forward. They have a good reputation and excited about the economic opportunities that await us. Commented on how well Greenfield was coming along in their process.
- Dawn Alva – Supports this Measure and having the expertise in this new endeavor is relieving and a good way to use \$49,000.

- d. City Council consider adopting **Resolution No. 2019-13**, approving an Application for Authorization to Access State and Federal Level Summary Criminal History Information for Employment, Volunteers, and Contractors, Licensing or Certification Purposes subject to final review and approval by the City Manager and City Attorney.

Presented by Matt Mogensen, Assistant City Manager

Council questions: Who handles the background checks?

Robert Rathie, Assistant City Attorney indicated there was a typo on the resolution under the first Whereas there is the word “local” twice and we just needed to remove the first “local” word.

**URRUTIA/MORTON: TO APPROVE RESOLUTION NO. 2019-13, APPROVING AN APPLICATION FOR AUTHORIZATION TO ACCESS STATE AND FEDERAL LEVEL SUMMARY CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT, VOLUNTEERS, AND CONTRACTORS, LICENSING OR CERTIFICATION PURPOSES SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY MANAGER AND CITY ATTORNEY; WITH THE CORRECTION AS NOTED BY THE ASSISTANT CITY ATTORNEY. 4-(O’Connell)-0-0 Motion Passes**

Public comments: None

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

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

Mayor Delgado – was too sick to attend February's meeting and will provide update after next Mayor's Association meeting.

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.

Layne Long, City Manager, provided update on Joby Aviation. We continue to have discussion with them and looking at another portion of our business park that will probably go through the CEQA process quickly. They have an application into our Planning Department and we're continuing to move on.

13. ADJOURNMENT: The meeting adjourned back into Closed Session at 8:45 PM

\_\_\_\_\_  
Anita Sharp, Deputy City Clerk

ATTEST:

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Bruce C. Delgado, Mayor