



AGENDA

THURSDAY OCTOBER 6, 2022

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

Zoom Meeting URL: <https://zoom.us/j/730251556>

Zoom Meeting Telephone Only Participation: 1-669-900-9128 - Webinar ID: 730 251 556

In accordance with California Government Code §54953(e)(1)(A) and (C) and the Proclamation of a State of Emergency issued by Governor Newsom on March 4, 2020, under the provisions of Government Code §8625 related to the COVID-19 (coronavirus) pandemic, consistent with recommendations by State and local health officials regarding social distancing and in order to prevent an imminent risk to the health and safety of attendees as determined in Resolution 2022-110, public participation in City of Marina City Council public meetings shall be electronic only and without a physical location for public participation until the earlier of May 31, 2022, or such time as the City Council may adopt a resolution in accordance with Government Code §54953(e)(3). This meeting is being broadcast “live” on Access Media Productions (AMP) Community Television Cable 25 and on the City of Marina Channel and on the internet at <https://accessmediaproductions.org/>

PARTICIPATION

You may participate in the City Council meeting in real-time by calling Zoom Meeting via the weblink and phone number provided at the top of this agenda. Instructions on how to access, view and participate in remote meetings are provided by visiting the City’s home page at <https://cityofmarina.org/>. Attendees can make oral comments during the meeting by using the “Raise Your Hand” feature in the webinar or by pressing *9 on your telephone keypad if joining by phone only. If you are unable to participate in real-time, you may email to marina@cityofmarina.org with the subject line “Public Comment Item#__” (insert the item number relevant to your comment) or “Public Comment – Non Agenda Item.” Comments will be reviewed and distributed before the meeting if received by 5:00 p.m. on the day of the meeting. All comments received will become part of the record. Council will have the option to modify their action on items based on comments received.

AGENDA MATERIALS

Agenda materials, staff reports and background information related to regular agenda items are available on the City of Marina’s website www.cityofmarina.org. Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet will be made available on the City of Marina website www.cityofmarina.org subject to City staff’s ability to post the documents before the meeting

VISION STATEMENT

Marina will grow and mature from a small town bedroom community to a small city which is diversified, vibrant and through positive relationships with regional agencies, self-sufficient. The City will develop in a way that insulates it from the negative impacts of urban sprawl to become a desirable residential and business community in a natural setting. **(Resolution No. 2006-112 - May 2, 2006)**

MISSION STATEMENT

The City Council will provide the leadership in protecting Marina’s natural setting while developing the City in a way that provides a balance of housing, jobs and business opportunities that will result in a community characterized by a desirable quality of life, including recreation and cultural opportunities, a safe environment and an economic viability that supports a high level of municipal services and infrastructure. **(Resolution No. 2006-112 - May 2, 2006)**

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)

Cristina Medina Dirksen, David Burnett, Lisa Berkley, Mayor Pro-Tem/Vice Chair Kathy Biala, 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, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency) 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, Significant exposure to litigation pursuant to § 54956.9(b): 1 case
- b. Conference with Legal Counsel – Existing Litigation pursuant to paragraph (10 of Subdivision (d) of Govt. Code Section 54956.9: Marina Aviation, LLC Phil Lewis V. FAA et al. Petition for Review, United States Court of Appeals for the 9th Circuit, Case No. 22-70173
- c. Conference with Labor Negotiators §54957.6
 - i. Marina Employee Association

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

- c. Real Property Negotiation
 - i. Property: Commercial property at southeast corner of Del Monte Blvd. and Palm Avenue (APN 032-303-038) and residential property at Hayes Circle and 3rd Avenue (APN 032-303-039, a portion)
Negotiating Party: George Powell
Negotiator(s): City Manager
Terms: Price and Terms
 - ii. Property: City of Marina Corporation Yard, 2660 5th Avenue, Marina, CA
Negotiating Party: California State University Monterey Bay
Negotiator(s): City Manager
Terms: Price and Terms

- iii. Property: 761 Neeson Road, Building 524, APN: 031-111-0206-000
Negotiating Dish Wireless, LLC
Negotiator(s): City Manager
Terms: Price and Terms

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

- 4. **MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE** (Please stand)
- 5. **SPECIAL PRESENTATIONS:**
 - a. **Monterey-Salinas Transit Van Pool Presentation**
 - b. **Red Ribbon Week Proclamation**
 - c. **Breast Cancer Awareness Month Proclamation**
- 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.*
- 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 100827-100915, totaling \$823,409.67
Accounts Payable for the Successor Agency Check Numbers 92-93, totaling \$4,505.00
 - b. **MINUTES:**
 - (1) September 7, 2022, Regular City Council Meeting
 - (2) September 20, 2022, Regular City Council Meeting
 - c. **CLAIMS AGAINST THE CITY:** None

d. AWARD OF BID: None

e. CALL FOR BIDS:

- (1) City Council consider adopting Resolution No. 2022-, approving advertising and call for bids for the City of Marina Municipal Improvements On-Call Contract 2022.

f. ADOPTION OF RESOLUTIONS: None

g. APPROVAL OF AGREEMENTS:

- (1) City Council consider adopting Resolution No. 2022- awarding a construction contract for the California Avenue Pedestrian Crossing Installation Project to Monterey Peninsula Engineering of Marina, CA for the total bid in the amount of \$404,148.00; and allocating and appropriating additional funding in the amount of \$120,000 from the Public Facilities Impact Fee Intersection Fund to project HSR2005 for a total project funding of \$565,000; and authorizing the City Manager to execute contract documents, subject to final review and approval by the City Attorney; and authorizing the City Manager or his designee to expend up to an additional 10% of the contract amount for potential construction contingencies and to execute all construction change orders on behalf of the City; and authorizing the Finance Director to make necessary accounting and budgetary entries.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE): None

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS: None

9. PUBLIC HEARINGS:

- a. City Council Open a public hearing, take public testimony, and consider adopting resolution 2022-, determining that the proposed Tentative Map amendment is consistent with the certified EIR (SCH No. 2004091167) and adopted University Villages Specific Plan (now the Dunes on Monterey Bay), approving an amendment to the Tentative Subdivision Map originally approved in 2005 (Resolution 2005-131) as amended (Resolution No. 2008-209), and approving Tree Removal Permits for Phase 2 West and Phase 3 Residential of the Specific Plan, as unanimously recommended by the Planning Commission of the City of Marina.
- b. City Council open a public hearing, take testimony from the public and read by title only and approve first reading of Ordinance No. 2022-, amending Marina Municipal Code, Title 5 to modify Section 5.32.090 to allow the assignment of a second cardroom permit in the Marina Municipal Code. *Continued from September 7, 2022. This item to be continued to October 18, 2022*

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. 2022-, receiving update presentation for the Sports Center, Aquatic Center, Connector Building and outdoor Sports Pavilion (City of Marina Sports Complex) and associated site work; approving expanded architectural and professional services for the Aquatic Center, and Connector building; advancing architectural building and site design to 100% level, preparing bidding documents and architectural support services during construction; approving COAR’s proposal of \$858,500 for the expanded architectural and professional services.
- b. City Council consider adopting Resolution No. 2022, approving Amendment No. 2 to the On-Call Architectural Services agreement between the City of Marina and Jeff Katz Architecture (JKA) changing the name of the firm from Jeff Katz Architecture (JKA) to COAR Design Group and increasing the annual contract limit amount to \$2,000,000 for fiscal year 2022-2023; and authorizing the City Manager to execute the amendment on behalf of the City subject to final review and approval by the City Attorney.
- c. City Council consider adopting Resolution No. 2022-, receiving a presentation on the Sea Haven Park playground; and approve the allocation and appropriation of \$650,000 from the Park Impact Fee Fund for enhanced playground features which are beyond the developers funding commitment for the park and previously allocated Park Impact Fee funds; and Authorize the City Manager or his designee to execute a purchase and sales agreement for the playground equipment and installation; and authorize the Finance Director to make necessary accounting and budgetary entries.

12. **COUNCIL & STAFF INFORMATIONAL REPORTS:**

- a. Monterey County Mayor’s Association [Mayor Bruce Delgado]
- 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.

13. **ADJOURNMENT:**

CERTIFICATION

I, Anita Sharp, Deputy City Clerk, of the City of Marina, do hereby certify that a copy of the foregoing agenda was posted at City Hall and Council Chambers Bulletin Board at 211 Hillcrest Avenue, Monterey County Library Marina Branch at 190 Seaside Circle, City Bulletin Board at the corner of Reservation Road and Del Monte Boulevard on or before 6:30 p.m., Friday, September 30, 2022.

ANITA SHARP, DEPUTY CITY CLERK

City Council, Airport Commission and Redevelopment Agency meetings are recorded on tape and available for public review and listening at the Office of the City Clerk and kept for a period of 90 days after the formal approval of MINUTES.

City Council meetings may be viewed live on the meeting night and at 12:30 p.m. and 3:00 p.m. on Cable Channel 25 on the Sunday following the Regular City Council meeting date. In addition, Council meetings can be viewed at 6:30 p.m. every Monday, Tuesday and Wednesday. For more information about viewing the Council Meetings on Channel 25, you may contact Access Monterey Peninsula directly at 831-333-1267.

Agenda items and staff reports are public record and are available for public review on the City's website (www.cityofmarina.org), at the Monterey County Marina Library Branch at 190 Seaside Circle and at the Office of the City Clerk at 211 Hillcrest Avenue, Marina between the hours of 10:00 a.m. 5:00 p.m., on the Monday preceding the meeting.

Supplemental materials received after the close of the final agenda and through noon on the day of the scheduled meeting will be available for public review on the City's website: <https://www.cityofmarina.org/DocumentCenter/Index/1854>.

Members of the public may receive the City Council, Airport Commission and Successor Agency of the Former Redevelopment Agency Agenda at a cost of \$55 per year or by providing a self-addressed, stamped envelope to the City Clerk. The Agenda is also available at no cost via email by notifying the City Clerk at marina@cityofmarina.org

ALL MEETINGS ARE OPEN TO THE PUBLIC. THE CITY OF MARINA DOES NOT DISCRIMINATE AGAINST PERSONS WITH DISABILITIES. Council Chambers are wheelchair accessible. meetings are broadcast on cable channel 25 and recordings of meetings can be provided upon request. to request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please call (831) 884-1278 or e-mail: marina@cityofmarina.org. requests must be made at least **48 hours** in advance of the meeting.

Upcoming 2022 Meetings of the City Council, Airport Commission, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Community Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency and Marina Groundwater Sustainability Agency

Regular Meetings: 5:00 p.m. Closed Session;
6:30 p.m. Regular Open Sessions

Tuesday, October 18, 2022

Tuesday, November 1, 2022

Tuesday, November 15, 2022

Tuesday, December 6, 2022

Tuesday, December 20, 2022

** Regular Meeting rescheduled due to Religious Holiday

NOTE: Regular Meeting dates may be rescheduled by City Council only.

CITY HALL 2022 HOLIDAYS
(City Hall Closed)

Veterans Day -----Friday, November 11, 2022
Thanksgiving Day ----- Thursday, November 24, 2022
Thanksgiving Break -----Friday, November 25, 2022
Winter Break -----Friday, December 23, 2022-Friday, December 30, 2022

2022 COMMISSION DATES

**Upcoming 2022 Meetings of Planning Commission
2nd and 4th Thursday of every month. Meetings are held at the Council Chambers at 6:30 P.M.**

October 13, 2022
October 27, 2022

November 10, 2022
December 18, 2022