



## MINUTES

Thursday, August 3, 2017

5:30 P.M. Open Session  
Closed Session to be held after Open Session

**ADJOURNED 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)  
  
MEMBERS PRESENT: Nancy Amadeo, Gail Morton, Frank O'Connell, Mayor Pro-Tem/Vice Chair, David W. Brown, 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 - Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: Two potential cases.
4. ~~MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)~~
5. ~~SPECIAL PRESENTATIONS:~~
  - a ~~Proclamations~~
    - i. ~~Jr Giants Day~~
  - b ~~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*

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 82458-82590, totaling \$378,673.83
  - b. ~~MINUTES:~~
    - (1) July 5, 2017, Regular City Council Meeting
    - (2) July 18, 2017, 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. 2017, accepting the offer of dedication of right of way on Imjin Road from the University of California Santa Cruz, and authorize the City Clerk to record the dedication with the Monterey County Recorder's Office.
  - g. ~~APPROVAL OF AGREEMENTS:~~
    - (1) City Council consider adopting Resolution No. 2017, approving an agreement between the City of Marina and CSG Consultants, of Foster City, California, for engineering and building permit services, and authorizing the City Manager to execute the agreement on behalf of the city subject to final review and approval by the City Attorney.
    - (2) City Council consider adopting Resolution No. 2017, rescinding the award of a landscape maintenance services contract to Leonard Anthony Valenti Incorporated dba Commercial Environmental Landscape of Gilroy, California; and awarding the landscape maintenance services contract to Mike Davis

~~Landscape Services of Morgan Hill, California as the lowest responsible bidder; authorizing the Finance Director to make necessary accounting and budgetary entries; and authorizing the City Manager to execute contract documents on behalf of 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): None~~

~~k. FUNDING & BUDGET MATTERS: None~~

~~l. APPROVE ORDINANCES (WAIVE SECOND READING):~~

~~(1) City Council consider Introduction of an Ordinance (read by title only, waive further reading) of the City of Marina Amending Title 15 of the Municipal Code by Adding Chapter 15.39 to Provide an Expedited Permit Process for Electric Vehicle Charging Stations.~~

~~m. APPROVE APPOINTMENTS: None~~

~~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. 2017, approving salary schedule for fiscal year 2017/18. ***Continued from July 18, 2017.***~~

~~b. City Council consider adopting Resolution No. 2017, receiving additional information regarding business license tax and providing staff with further direction.~~

~~c. City Council consider adopting an uncodified ordinance of the City of Marina, as an urgency measure, imposing a temporary moratorium on the issuance of all development permits in the Downtown Vitalization Area.~~

Christine Hopper presented staff report and presentation

**Background** = 2002 - Ad Hoc Committee – Downtown Study; 2005 – City Council adopted vision for downtown vitalization; 2008 – General Plan Amendment required: *Adoption of Specific Plan for Downtown Vitalization Area, Any development in area - prepare individual Specific Plans*); Draft Plan/EIR produced – never finalized

**Specific Plan is immediately necessary to provide guidance for development and achieve City's vision** = Many parcels in area developable and underutilized, City receiving increasing interest in development, Projects need to be consistent with common theme of circulation, design and

beautification, Staff can provide no direction to applicants beyond general plan goals, Applicants can “make up the rules” through own plan.

**City Council funded completion of Specific Plan – FY17/18** (*Staff in process of securing consultant*)

**Staff applied for grant funding – Regional Surface Transportation Program -TAMC** (*Study of Del Monte and Reservation Road Corridors*)

**Benefits of Specific Plan/ Corridor Study** = Include elements to improve circulation; Provide use and design standards; Align General Plan land use designations with City’s vision of an urban space; Phase out incompatible uses; Beautify the corridors; Update downtown appearance and functionality; Provide guidance/reduce costs for development; Eliminate requirements for specific plans for individual lots – development of downtown delayed for more than a decade; Provide the environmental review for plan area buildout; Eliminate need for extensive project-level environmental review for individual projects

**Background - Government Code Sec. 65858** = “City may adopt interim ordinance prohibiting any use which may be in conflict with contemplated general plan, specific plan, or zoning proposal that the City plans to study within a reasonable amount of time”

**Specific Plan = Possible General Plan land use changes** (*Provide consistency with General Plan, Achieve General Plan goals for downtown vitalization, Distinguish ‘urban’ from ‘suburban’*) - **Legal rationale exists to adopt urgency ordinance** (*Prohibit issuance of development permits until Specific Plan adopted*)

**5 current applications** – 264 Carmel Avenue – 8 apartments; 225 Cypress Avenue – 10 apartments; 3125 De Forest Avenue – 58 apartments; 3108 Seacrest Avenue – 10 apartments; General Plan Amendment – Land Use change on north side of Reservation – Office/Research to Multiple Use - **During 45 days of moratorium – focus on these projects to look at possibilities of processing**

**Adoption** = City Council - 4/5 vote

**Findings** = (1) The City has initiated a Specific Plan for the Downtown Vitalization Area, which shall be studied in a reasonable time; and (2) There is a current and immediate threat to the public peace, health, or safety- moratorium must be imposed in order to protect and preserve the public interest, health, safety, comfort and convenience and to preserve the public welfare of all residents. **Initial Time Frame – 45 days – Extension approval by Council**

**What is Done** = Land Use Survey; Begun draft revision to multi-family zones

**During Next 45 Days** = Hire consultant/project manager; Study boundaries and/or zones to be included; Make findings if multi-family developable parcels are to be included

**Recommendation** = Adopt an uncodified ordinance of the City of Marina, as an urgency measure, imposing a temporary moratorium on the issuance of all development permits in the Downtown Vitalization Area - **Recommended Amended Ordinance Language** (*Change date of 45 day – September 17, 2017*)

Council Questions: will the grants/funding for Junsay Oaks Apartments be affected by this moratorium; what is the actual timeframe for the urgency ordinance; will MST Project be affected by the moratorium; why 45-days why not 90-days; anticipation of future extensions of moratorium; estimates for completion if council doesn’t do anything unusual; judicial review/potential lawsuits; City planning of downtown vs. developer’s view; traffic flows and street impacts; RUDG ideas/ incorporation of ideas; how do we address eminent domain in specific plan; CEQA requirements; would moratorium stop tenant improvements in existing buildings; moratorium timeline, how fast could this go; is zoning incorporated into the specific plan; how would that impact getting the zoning plan done; zoning map boundaries changes; exemptions after the 45-day period; would creating an

exemption cause problems; building permit process timeline from moratorium date; 2<sup>nd</sup> Avenue alignment, is that an approved alignment; large constraints on the gateway entrance; can approved project be exempted; sufficient staff hours to accomplish the purpose for the 45-day moratorium and handle the city workload; will moratorium stop the project in the current pipeline?

Public Comments

- Safwat Malek – 3006 Del Monte/Hwy 1 Project, provided site history and conversations with the Planning Department and input from Mr. Lombardo. City is desiring to proceed with a study towards the general plan amendment and is short monies. Developers had suggested that they would come up with the needed monies to make the study happen. Discussion with staff about Second Avenue extension and what we are proposing to allow us to proceed with our project. Commented about the abandoned gas station as you enter the city. Proposed Second Avenue extension runs through our project area and part of the abandoned gas station. Should let this project be exempt to help get this project moving in the right direction.
- Dale Ellis, Lombardo & Associates – Concerned with being faced with an immediate moratorium on any building permits during any period at this time. Talk has been about pending project, with this ordinance no building permits can be issued in an existing commercial use for tenant improvements requiring a building permit. Noted specific plans and general plans do not happen quickly. Sent letters to council on three proposed projects that will be affected by this moratorium. It is the city decision on what the rules are, not the developers. If there is to be a moratorium there should be a bright line exemption for any project that is currently in the pipeline. There should be exemptions for small projects, like tenant improvements. Need a schedule of completion for the specific plan or a budget or milestones. Asked that council not adopt an ordinance tonight.
- Peter Taormina – involved in a handful of project throughout Marina and knows the process. Understands what city is doing, need to make sure the core of our city is still relevant. Noted his current project has gone through the process and close to being done and heading to the planning commission. To bring a developer on board, encourage them to move forward and then put the brakes on them does not bode well. A moratorium is a pretty draconian step and unusual. Need to take some consideration for what that does for the investors. Asked to allow exemptions for those projects who are currently in the pipeline that have been deemed accepted.
- Paul Tran, CHISPA, Junsay Oak Apartments Project –Agrees with comments made by Mr. Ellis and Taormina. Our project is a multi-family project, it's vested and received entitlements and an approved specific plan with CEQA/NEPA. Received an email from staff indicating our project should not be affected by this proposed moratorium but the intent is to stop new proposals from being submitted. We can't afford to be derailed by any type of moratorium. We've applied to the State Tax Allocation Committee and were accepted. We could lose everything if we're included in this moratorium. Respectfully request that if you propose any type of ordinance that language be modified to specify that approved projects are not subject to the moratorium and eliminate the word "building permit". It takes several rounds of revisions once plan checks have been submitted. We have 150-days to pull our building permits and break ground once we receive our tax allocation credit.
- Joy Junsay – In support of previous speakers and in support of exempting the projects that have already gone through approval and especially the Junsay Oaks Apartments. It's already gone through the Neg. Declaration, files with the HCD. Would like to see this project move on. Would like to see this ordinance modified with project exemptions. If passed would like to see some language inserted that states that all projects already approved by the city be exempt and not wait until the 45-day period. Encouraged council to keep in mind the importance of the projects that have already gone through the process for approval.

- David Burnett, Planning Commissioner – 45-days vs. 100 year’s decision for the City of Marina. Noted 45-days will not majorly impact any of the projects you’ve heard about this evening. It will give staff necessary time to do the analysis, to spend the proper amount of time judging and planning what’s best for the City of Marina. Listen to what your planning staff has to say. They need help and the time to look and analyze and study what’s best for the city. Don’t deny them 45-days. It’s in the city’s interest to give them this time. We need to plan, lay out specific goals of the community. Recently we’ve had developer driven plans, complete disaster. Standards make it right. Our planning process is broken.
- Paula Pelot – Concerned about the Junsay Oaks Project. The Ingram Housing Fund dedicated about \$1million towards this project and believe 45-days will hinder that. Thinks that in 45-days you’ll have some information that will perhaps move that forward. A moratorium would temporarily delay the project proponent’s ability to obtain development approvals while the city staff considers and adopts perhaps a specific plan or starts to develop it. A moratorium would preserve the status quo while those updates, looks, measurements and guidelines are looked at. It’s temporary. You need to give your staff the breathing room to accomplish the foundational work that needs to be done before any other development proceeds. The foundational work is not there. The foundation has to be laid before you can build projects.
- Cody Phillips, Lombardo & Associates – Specific Plans need to be executed as the current process stands for each of these projects. We work very carefully with the staff when we bring in our specific plan to make sure it’s in compliance with the general plan. These specific plans coming in are not rewriting the rules entirely. GC Section 65858, “*Legislative body shall not adopt or extend unless the ordinance contains legislative findings that there is a current and immediate threat to the public health, safety or welfare and that the approval of this additional development would result in that threat to public health, safety or welfare*”. Powerful language. While first adoption would last 45-days, the potential is 2 years. With regards to the Pioneers Properties project, they are currently in escrow to purchase the gas station and a condition to remove the two underground tanks within 60-days.

Morton/O’Connell: That the council adopt an uncodified ordinance of the City of Marina as an urgency measure imposing a temporary moratorium on the issuance of all development permits in the downtown vitalization area as set forth in the attached draft ordinance that appears on pages 115, 116 117, 118 of the staff report of August 2, 2017, with one change in paragraph 6 appearing on page 118 which the date was September 14, 2017 is that it, the moratorium would be 45-days through September 17, 2017. 2-3(Amadeo, Brown, Delgado)-0-0 Motion Fails

#### Substitute Motion

Amadeo/Brown: That we approve an uncodified ordinance of the City of Marina adopted as an urgency measure imposing a temporary moratorium on the issuance of all development permits in the downtown vitalization area within the City of Marina; that we allow for interior tenant improvements not requiring a use permit (to be inserted into paragraph 1); and that we under the Now, Therefore It Be Resolved, number 1 – from and after the effective date of this ordinance no use permit, development permits, building permits except for the Junsay Oaks Apartments or any other like approval should be issued for the downtown vitalization area as identified in the attached Exhibit A located within the City of Marina; and change the date to September 17, 2017. 2-3(Brown, O’Connell, Delgado)-0 Motion Fails

Council Member O’Connell Called for the Question, Seconded by Mayor Pro-Tem Brown.

**MINUTES for Adjourned Regular City Council Meeting of Thursday, August 3, 2017 Page 7**

Council Member Amadeo indicated that she would make her same motion as before and hopes to get a second and get the 4 or 5 votes to approve it.

Amadeo/Morton: That we approve an uncodified ordinance of the City of Marina adopted as an urgency measure imposing a temporary moratorium on the issuance of all development permits in the downtown vitalization area within the City of Marina; that we allow for interior tenant improvements not requiring a use permit (to be inserted into paragraph 1); and that we under the Now, Therefore It Be Resolved, number 1 – from and after the effective date of this ordinance no use permit, development permits, building permits except for the Junsay Oaks Apartments or any other like approval should be issued for the downtown vitalization area as identified in the attached Exhibit A located within the City of Marina; and change the date to September 17, 2017. 3-2(Brown, Delgado)-0 Motion Fails

Council Member O’Connell Called for the Question

Delgado/Brown: to approve to start the 45-day moratorium but we exempt not only the Junsay Oaks apartments but the other projects that we specifically discussed tonight that includes the Gateway project and the ones list on the power point. 2-3(Amadeo, Morton, O’Connell)-0 Motion Fails

Council Member Morton Called for the Question – 4-1(Delgado)-0

Council Member O’Connell made a motion for reconsideration of previous motion by Council Member Amadeo, Second by Council Member Amadeo and Called for the Question on the reconsideration. 4-1(Delgado)-0-0 Motion to reconsider approved

Amadeo/Morton: That we approve an uncodified ordinance of the City of Marina adopted as an urgency measure imposing a temporary moratorium on the issuance of all development permits in the downtown vitalization area within the City of Marina; that we allow for interior tenant improvements not requiring a use permit (to be inserted into paragraph 1); and that we under the Now, Therefore It Be Resolved, number 1 – from and after the effective date of this ordinance no use permit, development permits, building permits except for the Junsay Oaks Apartments or any other like approval should be issued for the downtown vitalization area as identified in the attached Exhibit A located within the City of Marina; and change the date to September 17, 2017. 3-2(Brown, Delgado)-0 Motion Fails

Brown/\_\_\_\_\_ : that we adjourn. Motion dies for a lack of second

Delgado/Brown: to implement the moratorium exempting those six projects (264 Carmel Avenue – 8 apartments; 225 Cypress Avenue – 10 apartments; 3125 De Forest Avenue – 58 apartments; 3108 Seacrest Avenue – 10 apartments; 3006 Del Monte Blvd. Gateway Project and Junsay Oaks Apartments); and tenant improvements. 2-3(Amadeo, Morton, O’Connell)-0 Motion Fails

Brown/Delgado: to adjourn the meeting as we seem to be deadlocked.

Delgado/Brown: to impose the moratorium exempting the 5 project Joy Junsay and the four smaller residential; and that we instruct the staff to strike up communication as soon as possible with the Gateway project on how that can be envisioned and moved ahead and to change the date to September 17, 2017; and interior tenant improvements not requiring a use permit. 3-2(Morton, O’Connell)-0 Motion Fails

10:00 PM – **Morton/Delgado: to extend meeting to 10:05 PM** 4-1(O’Connell)-0-0 Motion Passes

10:04 PM – **Delgado/Amadeo: to extend to 10:10 PM** 4-1(O’Connell)-0 Motion Passes

**MORTON/AMADEO: THAT WE ACCEPT THE MAYORS MOTION EXCEPT THAT WE DELETE THE 3125 DEFOREST AVENUE FROM THE EXEMPTION.**

Mayor Pro-Tem Brown clarified Council Member Morton's motion as follows:

**MORTON/AMADEO: TO PROCEED WITH THE 45-DAY MORATORIUM EXEMPTING JUNSAY OAKS AND EXEMPTING 264 CARMEL AVENUE, 225 CYPRESS AVENUE, AND 3108 SEACREST AVENUE; AND EXEMPTING INTERNAL TENANT IMPROVEMENTS THAT DO NOT REQUIRE A USE PERMIT; AND DIRECT STAFF TO STRIKE UP COMMUNICATIONS WITH THE PROPONENT OF THE GATEWAY PROJECT AND THE MORATORIUM WOULD BE THROUGH SEPTEMBER 17, 2017. 4-1(O'Connell)-0 Motion Passes**

Council Member Morton agreed to the clarification, Second still holds.

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.

CONVENE TO CLOSED SESSION

13. ADJOURNMENT: The open session adjourned at 10:10 P.M.

---

Anita Sharp, Deputy City Clerk

ATTEST:

---

Bruce C. Delgado, Mayor