



## MINUTES

Tuesday, March 20, 2018

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)  
  
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. - NONE*
  4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
  5. SPECIAL PRESENTATIONS:
    - a 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.*
- Council Member Amadeo – Announced that on March 22, 2018 AMP Media will host a fundraiser at Bayonet Blackhorse from 6:00-9:00PM; Announced on March 27, 2018 Marina In Motion to hold Forum with City Staff from 6:00-8:00PM

- Mayor Delgado – Announced on March 24-25, 2018 at Los Arboles Middle School will be the final Eagle Scout Project; announced on April 4, 2018 will be the Ad-Hoc Safe Parking Meeting in the Council Chambers; on April 7, 2018 is Earth Day Event at Locke Paddon Park from 9:00-11:30 am; on April 8, 2018 Lapis Road Clean-up sponsored by Adopt-A-Road and Citizens for Sustainable Marina from 10:00am-12:00pm.

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 84317-84435, totaling \$222,590.50

b. MINUTES:

- (1) March 6, 2018, 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. 2018-18**, receiving the General Fund Fiscal Year 2017-18 Mid-Year Fiscal Report; authorizing Finance Director to make appropriate accounting and budgetary entries, and; provide staff with any further direction in the matter.
- (2) City Council consider adopting **Resolution No. 2018-19**, designating the City Manager, Public Works Director, and Finance Director as Authorized Agents to act on the City’s behalf to obtain federal and state financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 and the California Disaster Assistance Act, and; authorizing filing of Cal OES Form 130 with the Governor’s Office of Emergency Services.
- (3) City Council consider adopting **Resolution No. 2018-20**, approving the Regional Surface Transportation Program (RSTP) fair-share allocation of funding to the Downtown Vitalization Plan Traffic Planning Study, and; authorizing the Finance Director to make the necessary accounting and budgetary entries.

- (4) City Council consider adopting **Resolution No. 2018-21**, ordering the City Engineer to prepare and to file a report related to maintenance of the Cypress Cove II Landscape Maintenance Assessment District for Fiscal Year 2018-2019.
- (5) City Council consider adopting **Resolution No. 2018-22**, ordering the City Engineer to prepare and to file a report related to maintenance of the Monterey Bay Estates Lighting and Landscape Maintenance Assessment District for Fiscal Year 2018-2019.
- (6) City Council consider adopting **Resolution No. 2018-23**, ordering the City Engineer to prepare and to file a report related to maintenance of the Seabreeze Landscape Maintenance Assessment District for Fiscal Year 2018-2019.

g. APPROVAL OF AGREEMENTS:

- (1) City Council consider adopting **Resolution No. 2018-24**, authorizing the City Manager to execute a Memorandum of Understanding between the City of Marina and the Marina Employees Association, and; authorizing adjustments to the City’s Salary Schedule and Compensation Plan, and; authorizing Finance Director to make appropriate 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

Council Member O’Connell requested to pulled agenda items 8b(1) and 8g(1) to be voted on separately.

Council Member Morton had questions for agenda item 8f(3). Proposed traffic planning update for the downtown vitalization plan, which downtown vitalization plan are you referring? The one that’s being currently formulated, something in the past, what are we talking about? Would the traffic counts in this analysis be incorporated or used for the formulation of that plan? “*Study indicates that the Specific Plan with pedestrian and bicycle improvements currently implemented in the TAMC/Monterey Branch line design plan that will include connectivity through the specific plan area*” to which specific plan are you referring? One to be formulated in the future or a pre-existing one? Has TAMC already made some designated plans that we need to incorporate, would that be true? Would this include the pedestrian and bicycle improvements currently implemented in the TAMC/Monterey Branch line?

**DELGADO/BROWN: TO APPROVE THE CONSENT AGENDA MINUS 8b(1) AND 8g(1). 5-0-0-0 Motion Passes.**

**AMADEO/BROWN: TO APPROVE AGENDA ITEM 8b(1). 4-0-0-1(O’Connell) Motion Passes**

**DELGADO/BROWN: TO APPROVE AGENDA ITEM 8g(1) ADOPTING RESOLUTION NO. 2018-24, AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MARINA AND THE MARINA EMPLOYEES ASSOCIATION, AND; AUTHORIZING ADJUSTMENTS TO THE CITY’S SALARY SCHEDULE AND COMPENSATION PLAN, AND; AUTHORIZING FINANCE DIRECTOR TO MAKE APPROPRIATE ACCOUNTING AND BUDGETARY ENTRIES. 4-1(O’Connell)-0 Motion Passes**

9. PUBLIC HEARINGS:

- a. City Council consider approving the first reading of an ordinance approving the First Amendment to the Development Agreement between the City and Cypress Marina Heights LLC.; adopting Resolution No. 2018-, approving the Third Amendment to the Option Agreement by and among the City, the Successor Agency to the Marina Redevelopment Agency and Cypress Marina Heights LLC; adopting Resolution No. 2018-, approving the Termination of the Memorandum of Agreement by and among the City, the Successor Agency and Cypress Marina Heights LLC related to the Funding of Phase 1 of the Strategic Development Center; AND Marina City Council, acting as the Governing Board of the Successor Agency to the Marina Redevelopment Agency adopting Resolution No. 2018- (SA-MRA), approving the Third Amendment to the Option Agreement by and among the City, the Successor Agency to the Marina Redevelopment Agency and Cypress Marina Heights, LLC; and adopting Resolution No. 2018- (SA-MRA), approving the Termination of the Memorandum of Agreement by and among the City, the Successor Agency and Cypress Marina Heights, LLC related to the Funding of Phase 1 of the Strategic Development Center. *Continued from February 21, and March 6, 2018. – This Item is Continued to April 17, 2018*

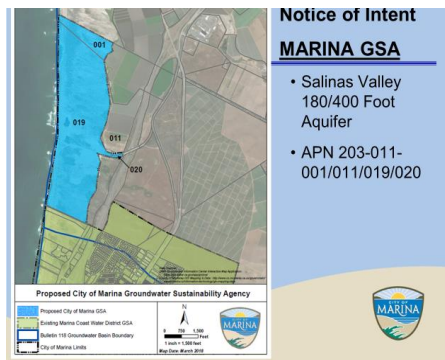
**DELGADO/AMADEO: TO CONTINUE AGENDA ITEM 9a TO APRIL 17, 2018 AND THAT THE PUBLIC HEARING REMAIN OPEN. 5-0-0-0 Motion Passes**

- b. City Council open public hearing and take any testimony from the public; and consider adopting **Resolution No. 2018-25**, forming a Groundwater Sustainability Agency (GSA) and undertake sustainable groundwater management within the portion of the Salinas Valley Groundwater Basin 180/400 foot Aquifer Subbasin with the City and outside the Marina Coast Water District service area, and authorize filing notice of GSA formation with the California Department of Water Resources (DWR) pursuant to Water Code Section 10723.8(a), and authorize and direct the City Manager or his designee to submit notice of adoption of the Resolution in addition to all information required by the Sustainable Groundwater Management Act (SGMA), including but not limited to, all information required by Water Code Section 10723.4 and a list of interested parties as described in Water Code Section 10723.8(a)(4), and authorize the City Manager or his designee to take such other further actions as may be necessary to effectuate the purpose of the resolution, and find that the adoption of the resolution is exempt from the requirements of the California Environmental Quality Act (public resource code section 21000 et seq.) (CEQA) pursuant to section 15061(b)(3) of the CEQA guidelines.

Staff report presented by Edrie Delo Santos

**Groundwater Sustainability Agency Formation:** Sustainable Groundwater Management Act (SGMA) = *Local Agency authority for sustainable management groundwater* - SGMA Water Code Section 10735.2(a)(1) = *Formation of Groundwater Sustainability Agency*

The City’s area has been revised from what was previously in the council packet. Exhibit A as shown in the packet has additional parcels along the Armstrong Ranch property but in review of the annex agreements with Marina Station and MCWD those areas are within MCWD’s GSA area, so those will not be part of the City’s GSA. What will be considered is APN’s 203-011-001; 203-011-019; 203-011-020; and 203-011-011.



**Next Steps**

Notice of Intent, 30 days from Council Action; 45 Days from Notice, GSA is formed unless contested within period; Proposing Subsequent Adoption of Ordinance, independent timeline.

Council Questions: Why are we doing this; what’s the stance behind or does it overlap where the existing MCWD GSA; what are a couple of the important pros and cons of doing this given it overlaps with the existing SVGSA; Cal-Am letter stating it’s “untimely” to do this because it should have been done by June 30, 2017, is there any truth to that?

Mayor Delgado opened the public hearing for public comments:

- Gary Petersen, GM Salinas Valley Basin GSA – this is a very complicated issue, this is a new body of law that went into effect January 2015 and there are a lot of people sorting it out and will be sorting it out for a very long time. it’s complicated with a finely fine minute details. The GSA that formed in San Louis Obispo is not a GSA because the County that is the GSA in that area declined to relinquish their authority. Spoke with the State yesterday and that was the case that they referenced. The filing of a GSA would create an overlay or an overlap which is a jurisdictional issue that has to be resolved one way or the other, so that would involve the Water Quality Control Board or the California Department of Water Resources who would like us to resolve the overlaps. We worked through that with Marina Coast and we’re working through that with a couple of other areas as well. So, we cannot usurp your land use rights with SGMA, important to understand that. We have to work with the existing general plans, we cannot change that. I cannot answer for my board, this happened very fast and we found out Friday because someone saw the public notice in the paper. As far as we know no notices of this action was sent out, certainly we have not received one. I cannot speak for my board this would have to come in front of them before they can make any decisions as whether protest or relinquished. But there is a longer process involved in this that could involve the Department of Water Resources as we move forward. Certainly, our representation for this area when we formed the GSA came through Marina Coast who was the water purveyor, we may have been remised in not including the City of Marina but we are running the two things SGMA requires that absolutely happen with this project, is that it be transparent and based on daily driven scientific decisions. We will be working on that, our process is wide open, we run an advisory group, we can certainly make room for you. We want this to work together and you’re free to do as you determine what’s in your best interest and then we would just see what goes from that. Happy to answer any questions you might have through the course of this conversation.
- Norm Groot, Exec Dir. Monterey County Farm Bureau & President of Salinas Basin Agricultural Water Association – Spent a considerable amount of time, energy, effort and money forming the SVGSA. It took a lot of time to put that agency together. We had a long-facilitated process that lasted over a year to come to an agreement on how we were going to form that GSA. We spent a lot of time trying to be transparent, going before stakeholders and a number of different public

meetings to get the public input and the understanding of what we needed to do in order to form that agency. I don't think that's happened here, since we only found out about this last week through a public notice in a newspaper. There has been no collaboration with anyone else in the Salinas Valley Basin or the overlap that will exist if you do this. I would suggest at this point that you need to do some outreach first before you start moving in this direction. There needs to be some collaboration because when people heard about this it wasn't received very well. I don't think the other thing you've discussed here either is the cost involved in forming a GSA and beyond that developing the Groundwater Sustainability Plan. that could be upwards of \$250,000-\$500,000 in order to do that properly. I don't know if your city council is really willing to spend that type of money on such a small area to develop Groundwater Sustainability Plan. Don't think you can take shortcuts in order to get there. There are specific requirements the State puts forward that you have to have as elements of the plan. as far as discussion about relinquishing authority to this new GSA should that go forward, I think that's going to be a big discussion that the Salinas Valley Basin GSA board of directors is going to have to have at some point in time. I think you should have done the outreach first to them to get the feeling of whether or not that's going to be possible. Now if you move forward and put this in their face so to speak, you'll be putting them in a position where they're going to have to be on the defensive and I don't think that a good position to come from. If you want to be involved in our GSA over in the Salinas Valley Basin I suggest that maybe you participate in our advisory committee, we have a lot of stakeholders that participate in that meeting monthly and that's really where the nuts and bolts of our Groundwater Sustainability Plan are going to be coming before the stakeholders. If you want to become involved our door is open, you can participate there. As far as forming your own GSA I really think you need to take a step back and really decide whether or not that's good for the community and whether or not you're playing nice as being neighbors.

- Anthony Lombardo, Attorney – Representing two clients, as the map that was in your staff report indicates two property owners are affected by this, one is the Cemex property and the other is the Armstrong Ranch. I'll echo norm's comment that this process could have been more transparent. Neither of these property owners received any notice from the city that this was coming before the council and it was because some people read the little legal notices in the paper that anyone even found out. That of course leads to a little suspicion over the motive to do this since notifying two land owners that this was coming before the council wouldn't really be that burdensome. I'm pleased the report that as Bob said earlier that as related to the Armstrong Ranch property the mapping was an error and there is no opportunity to for a Groundwater Sustainability Agency on the Armstrong Ranch because the city's boundaries and the Marina Coast Agency are co-terminus within that mustard colored area so that really isn't an issue before you tonight. As to the other piece of property, I say what is transparent is the motive of what can only be the possible motive would be there is no land use possible on that property as know because you participated in this process, the State of California entered into a cease and desist order consent decree with the owners of that property that the property is going to end up as open space in perpetuity at the end of the mining operation, which I believe is in about 3-years. So, there is no land use that's going to occur out there except open space. What is going to occur out there is an application for seawater diversion wells as part of the coastal water project from California American Water Company that does not have anything to do with water supply or the Salinas Valley Groundwater Basin as it relates to the City of Marina that isn't going to be handled by the State Water Resources Control Board, the California Public Utilities Commission and the Salinas Valley Groundwater Agency that Mr. Petersen is involved with. So, not to disagree with Bob but there was a time period within which other agencies had to provide the State a notification that they desire to be a Groundwater Sustainability Agency and that was back in April of last year. Bob also mentioned that it would require the consent of the existing Agency to relinquish this area in order to allow the city to take

over the management of it. So, I would suggest as Mr. Groot did that table this matter, reach out to that Agency, find out if that's even a possibility or discuss with the State of California what I think is accurately described by Mr. Rathie and myself that it would require their consent and find out if that's obtainable. Because otherwise it's an exercise in futility to proceed with this any further because the Salinas Valley Agency is the Groundwater Sustainability Agency for this area and will continue to be that until they voluntarily give it up. So, I would appreciate your consideration of tabling this, have your city staff speak to the State, speak to the stakeholders as Mr. Groot suggested and revisit this at a later date because at this point it seems like it's an exercise in futility to proceed further with what we had tonight. I think everybody has a copy of Cal-Am's letter that I sent to Bob so I would hand it out to you again.

Mayor Delgado closed the public hearing.

**MORTON/BROWN: TO ADOPT RESOLUTION NO. 2018-25, FORMING A GROUNDWATER SUSTAINABILITY AGENCY (GSA) AND UNDERTAKE SUSTAINABLE GROUNDWATER MANAGEMENT WITHIN THE PORTION OF THE SALINAS VALLEY GROUNDWATER BASIN 180/400 FOOT AQUIFER SUBBASIN WITH THE CITY AND OUTSIDE THE MARINA COAST WATER DISTRICT SERVICE AREA, AND AUTHORIZE FILING NOTICE OF GSA FORMATION WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCES (DWR) PURSUANT TO WATER CODE SECTION 10723.8(A), AND AUTHORIZE AND DIRECT THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT NOTICE OF ADOPTION OF THE RESOLUTION IN ADDITION TO ALL INFORMATION REQUIRED BY THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA), INCLUDING BUT NOT LIMITED TO, ALL INFORMATION REQUIRED BY WATER CODE SECTION 10723.4 AND A LIST OF INTERESTED PARTIES AS DESCRIBED IN WATER CODE SECTION 10723.8(A)(4), AND AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO TAKE SUCH OTHER FURTHER ACTIONS AS MAY BE NECESSARY TO EFFECTUATE THE PURPOSE OF THE RESOLUTION, AND FIND THAT THE ADOPTION OF THE RESOLUTION IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUBLIC RESOURCE CODE SECTION 21000 ET SEQ.) (CEQA) PURSUANT TO SECTION 15061(B)(3) OF THE CEQA GUIDELINES. 5-0-0-0**  
**Motion Passes**

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]

Mayor stated the next Mayor Association meeting will take place April 6, 2018.

- 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: The meeting adjourned at 7:15 PM

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Anita Sharp, Deputy City Clerk

ATTEST:

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Bruce C. Delgado, Mayor