



MINUTES

Tuesday, June 19, 2018

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

TELECONFERENCE LOCATIONS:¹

2431 Middle Drive
Arnold, CA
&
638 Kekaulike
Kula HI 96790

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, Mayor Pro-Tem/Vice Chair, David W. Brown, Mayor/Chair Bruce C. Delgado

MEMBERS ABSENT: Frank O'Connell (Excused)
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 CA Govt. Code §54956.9 – One Potential Case
 - b. Labor Negotiations
 - i. Marina Public Safety Officers Association

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

¹ Note: Pursuant to Government Code Section 54953(b), this meeting will include teleconference participation by Council Members Frank O'Connell and Gail Morton from the addresses above. This Notice and Agenda will be posted at the teleconference location

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

Assistant City Attorney Robert Rathie reported out Closed Session: Council met at 5:30 as indicated with regard to the two items listed having to do with Anticipated Litigation and Labor Negotiations. Council received information, gave direction and no reportable action was taken.

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.*

- Lisa Berkley – Announced that on June 21, 2018 at 7:00pm at the Middlebury Institute Irvine Auditorium 499 Pierce Street, Monterey Public Water Now and Citizens for Just Water will host an event called Marina vs. Cal-Am, How the Impact will affect your Cal-Am bill.
- Barry, Master of the Marina Grange – Donated \$2,000 to the Marina Recreation Breakfast Club and \$1,000 to the Marina Seniors Center
- Mayor Delgado – Attended Marina Pony Baseball Tournaments in the last couple of weeks and Marina is cleaning up in winning tournaments. Noticed that the tournaments at Preston Park the park had been cleaned up and refreshed, thank you Public Works. Also noted there was no flag at the park or PA System, is that something we can look in to getting? Also thanked all the volunteers for the Lapis Road clean-up.

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 85062-85187, totaling \$409,803.31

Wire transfers from Checking and Payroll for April 2018 totaling:
\$1,441,564.44

- b. MINUTES: None
- c. CLAIMS AGAINST THE CITY: None
- d. AWARD OF BID: None
- e. CALL FOR BIDS:
 - (1) City Council consider adopting **Resolution No.2018-68**, approving advertising and call for bids for the 2018 Citywide Street Repair Project for crack sealing and slurry seals.
- f. ADOPTION OF RESOLUTIONS:
 - (1) City Council consider adopting **Resolution No. 2018-69**, accepting the offer of dedication in fee 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. 2018-70**, approving an Agreement for Purchase of Box Hangar Building 554 and Termination of Ground Lease (the "Agreement") between the City of Marina and Tait Forsyth, LLC for box hangers (Building #554) at the Marina Municipal Airport and a Bill of Sale – Personalty (the "Bill of Sale"); and authorizing Finance Director to make necessary accounting and budgetary entries; and authorizing Mayor to execute the Agreement subject to final review and approval by the City Attorney; and authorizing City Manager to execute the Bill of Sale subject to final review and approval by the City Attorney.
- h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None
- i. MAPS: None
- j. REPORTS: (RECEIVE AND FILE):
- k. FUNDING & BUDGET MATTERS: None
- l. APPROVE ORDINANCES (WAIVE SECOND READING): None
- m. APPROVE APPOINTMENTS: None

DELGADO/BROWN: TO APPROVE THE CONSENT AGENDA. 4-0-1(O'Connell)-0 Motion Passes by Roll Call Vote

- 9. PUBLIC HEARINGS:
 - a. City Council the City Council of the City of Marina approve the first reading of an Ordinance No. 2018-, approving the first amendment to the Development Agreement between the City, Cypress Marina Heights, LLC and Wathen Castanos Peterson Homes, Inc. related to the sea haven project; and the City Council acting on behalf of the City and as the Governing Board of the Successor Agency to the Marina Redevelopment Agency adopting **Resolution No. 2018-71** and **Resolution No. 2018-06 (SA-MRA)**, approving the Third Amendment to the Option Agreement by and among the City, the Successor Agency, Cypress Marina Heights, LLC and Wathen Castanos Peterson Homes, Inc.; and the City Council acting on behalf of the

City and as the Governing Board the Successor Agency to the Marina Redevelopment Agency adopting **Resolution No. 2018-72** and **Resolution No. 2018-07 (SA-MRA)**, approving the Termination of 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 June 5, 2018*

Karen Tiedemann, Goldfarb & Lipman

Last time we were here we discussed certain changes the council wanted to see to the agreement and those changes have been incorporated into the agreement you have in your packet. Went through the changes that Council directed to make sure they were requested

Mayor opened public hearing for public comments:

- Paula Pelot – this is a city park and all throughout this document it says Sea Haven Park and wants to know what is the protocol for naming parks? How did it get decided? Did it go before the public? There are many esteemed people in this community who may have some ideas about names for this park. Though she was hearing people suggesting that the city might make additional investment in this park, so if the city should decide in the future it’s going to add something or change something how does that or does that impact the maintenance fees?

Mayor closed public hearing for comments.

Noted Document Changes:

1. Page 99 of the packet - Fifth Whereas on the Ordinance will now read: *“Whereas, the City and Cypress Marina Heights, LLC have amended the development agreement”*
2. In the First Amendment to the Development Agreement, on page 107 of the packet – in the paragraph starting Notwithstanding the above, at the end of that paragraph where you have Subsection c the new language would be added: *“Notwithstanding a and b above the unsold inventory of homes is less than 8”*
3. On page 109 of the packet, Subsection D would actually become *“Subsection c”*
4. On page 110 of the packet, at the end of romenet II we would add a sentence saying: *“the design of Sea Haven Park shall be mutually agreed to by the City and Developer”*
5. On page 111 of the packet, in romenet V, at the end of B we would say: *“the total amount spent by the developer for the development of the Sea Haven Park minus the Sea Haven Park fee of \$2.1million”*

DELGADO/AMADEO: TO APPROVE THE FIRST READING BY TITLE ONLY AN ORDINANCE 2018-0, APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY, CYPRESS MARINA HEIGHTS, LLC AND WATHEN CASTANOS PETERSON HOMES, INC. RELATED TO THE SEA HAVEN PROJECT WITH CORRECTIONS AS NOTED. 3-1(Morton)-1(O’Connell)-0 Motion Passes by Roll Call Vote

Public Comments on Motion:

- Kathy Biala – at the last meeting there was mention of a Club House that would be restricted from public access. Asked if this ordinance or any of the amendments has to do with that? Would like to know what the city has in terms of their ability to say Yay or Nay on a clubhouse.

- Paula Pelot – attended last meeting and the discussion had to do with the fact that they were looking at the demographic as to who was actually moving in there, being more female and older so they were looking for a facility to convert one of their what they were thinking originally as a playground type park to something that was more age appropriate.

AMADEO/BROWN: THAT THE CITY COUNCIL ACTING ON BEHALF OF THE CITY AND AS THE GOVERNING BOARD OF THE SUCCESSOR AGENCY TO THE MARINA REDEVELOPMENT AGENCY ADOPTING RESOLUTION NO. 2018-71 AND RESOLUTION NO. 2018-06 (SA-MRA), APPROVING THE THIRD AMENDMENT TO THE OPTION AGREEMENT BY AND AMONG THE CITY, THE SUCCESSOR AGENCY, CYPRESS MARINA HEIGHTS, LLC AND WATHEN CASTANOS PETERSON HOMES, INC. 3-1(Morton)-1(O’Connell)-0 Motion Passes by Roll Call Vote

DELGADO/AMADEO: THAT THE CITY COUNCIL ACTING ON BEHALF OF THE CITY AND AS THE GOVERNING BOARD THE SUCCESSOR AGENCY TO THE MARINA REDEVELOPMENT AGENCY ADOPTING RESOLUTION NO. 2018-72 AND RESOLUTION NO. 2018-07 (SA-MRA), APPROVING THE TERMINATION OF 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. 3-1(Morton)-1(O’Connell)-0 Motion Passes by Roll Call Vote

- b. City Council open a public hearing and consider adopting an uncodified ordinance of the City of Marina, as an urgency measure extending for a period of eight (8) months, a temporary moratorium on the issuance of all development permits in the Downtown Vitalization Area with exception of Junsay Oaks Apartments, existing development applicants at 264 Carmel Avenue, 225 Cypress Avenue and 3108 Seacrest Avenue, and exempting sign permits, permits for changes in building paint colors and building permits for interior tenant improvements that do not require a Conditional Use Permit. This moratorium extension will begin at the completion of the current moratorium extension, which expires on August 1, 2018, and ending no later than April 1, 2019.

Fred Aegerter, Community Development Director

Moratorium 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

2000 - General Plan identifies need for a Vitalized Downtown

2000s Ad Hoc Committee - Downtown Study 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

2009-2011- Development of Downtown Specific Plan/EIR which were never adopted

2017 - On August 3, an ordinance was adopted establishing a 45-day moratorium

2017 - On September 17, the ordinance was extended for 10.5 months, establishing an expiration ordinance of August 1, 2018

2018 - An ordinance extension is being requested through April 1, 2019

Downtown Vitalization Specific Plan

Committee of 14 established representing a broad cross-section of our Community - 10-12 regularly attend.

Eight meetings of the Committee have been held - Discussion and direction have and would be providing to Staff direction on overall goal statements, policy direction, right-of-way standards, walkable and pedestrian-friendly space needs, visual preferences, core and transitional areas, land use, and development and design standards.

Specific Plan is immediately necessary to provide guidance for development and achieve City’s vision - Many parcels in the area are developable and underutilized; City is 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

Benefits of Specific Plan/ Corridor Study - Include strategies to improve circulation; Provide use and design standards; Creates a more understandable and predictable process; 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 build-out; Eliminate need for extensive project-level environmental review for individual projects

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/developments – 264 Carmel Avenue - 8 apartments; 225 Cypress Avenue - 10 apartments; 3098 De Forest Avenue - 47 apartments; 3125 De Forest Avenue - 58 apartments; 3108 Seacrest Avenue - 10 apartments

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 Specific Plan Area with the exception of Junsay Oak Apartments, and existing development applications for 264 Carmel Avenue, 225 Cypress Avenue, 3125 DeForest Avenue, and 3108 Seacrest Avenue, and exempting sign permits and building permits for changes in building paint colors and building permit interior tenant improvements that do not require a conditional use permit, within the City of Marina.

Council Questions: When do you anticipate final approval of the Downtown Specific Plan; is staff positive it won’t be coming back in 8-months for another extension; when was the new staff member hired and what is their main focus and job title; does this employee have the same skills and experience as the previous planner that left; are we adequately staffed to work with the new employee; effective date and length;

Mayor opened public hearing for public comments:

- Paula Pelot – thinks it’s appropriate to extend this moratorium. Who was the project manager originally hired that left in January? Where is the new employee from? Is he local or did he come from an outside area? Has this person worked for the city before or any other city on this kind of project?

- Nelson Vega – Assuming that this is going to go forward because it only makes sense as a developer we wouldn't want to do our own specific plan on every property, that's one of the things that has held us back in the past. One of the things we look for is certainty and want to make sure when you move this specific plan forward that there is a certain amount of certainty for the people out there in the development field of what we can and can't do. Concerned about some of the language which is being used in this document of what their looking for in a downtown plan. was very adamant that when the Dunes was constructed it kill the downtown for years to come. Sure, enough it happened. Interested in changing the zoning for one of his infill project areas from a C-2 to a multi-family zoning.
- Lisa Berkley, Vice Chair Planning Commission – Planning department has been working diligently and in addition to working on the Downtown Vitalization planning they have been involved with a number of other plans including the Coastal Plan, Housing Plan, Airport Plan, MBEST Plan and other ordinance and zoning issues and was not sure if council was fully aware of the amount of work that they have been doing. With the loss of the consultant the vitalization plan was slowed down and despite that the number of things that were achieved such as defining a visual statement or what the downtown would look like, determining a community identity and right-of-way issues among other things. We anticipate that with the planning department hire this project will move rapidly and therefore we support this moratorium.
- Kathy Biala – Supports the extension of the moratorium and have been active in the Ad-Hoc Committee and thinks there has been a lot of valuable work done on both in terms of the community learning about planning but also about getting valuable input from us to the planning staff. We did have an extenuating circumstance so I hope you don't feel hostage by this but if we stop now I'm not sure what will happen. We're not finished with our mandate and the valuable work we've done...I'm not sure who would be doing the work we're doing now and so I don't see that we have a choice but to go forward, so I hope you will consider that and extend the moratorium.

Mayor Delgado closed hearing

BROWN/AMADEO: TO 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 SPECIFIC PLAN AREA WITH THE EXCEPTION OF JUNSAY OAK APARTMENTS, AND EXISTING DEVELOPMENT APPLICATIONS FOR 264 CARMEL AVENUE, 225 CYPRESS AVENUE, 3125 DEFOREST AVENUE, AND 3108 SEACREST AVENUE, AND EXEMPTING SIGN PERMITS AND BUILDING PERMITS FOR CHANGES IN BUILDING PAINT COLORS AND BUILDING PERMIT INTERIOR TENANT IMPROVEMENTS THAT DO NOT REQUIRE A CONDITIONAL USE PERMIT, WITHIN THE CITY OF MARINA, SUCH ORDINANCE TO TAKE EFFECT IMMEDIATELY AND TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS ADOPTION BY THE CITY COUNCIL THROUGH APRIL 1, 2019, AT WHICH TIME ITS TERMS AND PROVISIONS SHALL EXPIRE AND NO LONGER REMAIN IN EFFECT. 4-0-1(O'Connell)-0
Motion Passes by Roll Call Vote

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]
 - 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.

Mayor Delgado asked staff what was happening with the old gas station on Del Monte entering the city. What type of business is allowed? Also asked staff the status of the Pump Track and commented on the Monterey Peninsula Regional Parks District’s discussion of allowing dog on Marina beaches.

Mayor Pro-Tem Brown inquired about a former or proposed dog park a few 100 feet north of the Dunes complex near the beach, off of Dunes Drive?

13. ADJOURNMENT: the meeting adjourned at 9:05 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor