



## MINUTES

Tuesday, March 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)  
  
MEMBERS PRESENT: 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, two cases of existing litigation pursuant to paragraph (1) of subdivision (d) of CA Govt. Code Section 54956.9: (1) City of Marina v. Public Utilities Commission of the State of California, Respondent California American Water Company et al. California Supreme Court Case S S253585; (2) Marina Community Partners LLC v. Fort Ord Reuse Authority, Monterey Superior Court Case 18CV000871.
  - b. Labor Negotiations
    - i. Marina Professional Firefighters Association
    - ii. Marina Employee Association

City Negotiators: Layne P. Long, City Manager and 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 in Closed Session with the matters listed on the agenda which were Conference with legal Counsel and two cases and also Labor Negotiations. During the Closed Session information was provided, some direction was given, and no reportable action was taken on any one of those three matters.

4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
5. SPECIAL PRESENTATIONS:
  - a. Proclamations
    - i. International Women’s 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.*
  - Mike Owen – Commented that at the conclusion of the retreat it was decided that the Labor Day Parade should be skipped this year and thinks it’s a wise decision and take a break, step back and take another look. Suggested that Marina look at hosting a Fort Ord Memorial Marathon, like the Big Sur Marathon. The Marina Marathon could start out at the Airport with aerial activities. Start off on Reservation Road down to River Road, down Hwy 68 to the Laguna Seca turnoff and cut in until you hit the access road to General Jim Moore Blvd to CSUMB and then back over to downtown Marina all while having different bands playing just like the Big Sur Marathon.
  - Eddie Anderson, Commander – Announced the Monterey County Peace Officers Association 49<sup>th</sup> Annual Peace Officers of the Year Dinner/Celebration being held at Embassy Suite starting at 5:00pm.
  - Donna White, Commander – Announced the Monterey County Peace Officers Association Annual Support Service/Employee of the Year Awards Dinner on Friday, April 19, 2019 at the Monterey Elks Lodge starting at 5:30 pm
  - Wes Clark, Sugarleaf Trading Company – Reiterated that HdL will do a great job with Marina’s cannabis ordinance and believes that setting out to get to know the cannabis business owners turning in business packets is important to help make a confident decision. Invited Council to visit his Seaside business and ask questions.
  - Bob Nolan – Noted that had an unsuccessful run for the Mayor seat in the last election and has a custodial duty to see that any surplus campaign monies donated on his behalf be allocated to causes including the support of worthy and underfunded nonprofit programs. Presented a check in the amount of \$2,000 to the Marina Police Activities League (PAL).
  - Mayor Pro-Tem Morton – Announced the FORA Board meeting on Friday, March 8, 2019 at 2:00pm. Discussion topics will be on the FORA Transition and FORA extension and FORA CFD.
  - Council Member Urrutia – Announced on Friends of the Marina Parks is doing its monthly park cleanup on Saturday, March 16<sup>th</sup> and will be meeting at Preston Park at 9:00am.
  - Mayor Delgado – Saturday, March 9<sup>th</sup> at 10:00am will be a community volunteer cleanup along Del Monte Blvd/Lapis Road. Earth Day on April 13<sup>th</sup> from 9:00am-Noon at Locke Paddon Park.

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 91709-91797, totaling \$350,708.22  
Wire transfers from Checking and Payroll for January 2019 totaling: \$517,011.74.  
Wire Transfer from Successor Agency for January and February 2019 totaling: \$285.00
  - b. MINUTES:
    - (1) February 19, 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. 2019-19**, approving the purchase of one not fully equipped 2018 Chevy Colorado from My Chevrolet of Salinas, California, and the safety equipment necessary to fully equip the vehicle, waiving the City's formal bid process; finding that competitive bidding would more expensive, would not produce an advantage and would not be in the public interest; authorize the Finance Director to make necessary accounting and budgetary entries, and; authorize the City Manager to execute purchase agreements in an amount not to exceed \$ 45,000 on behalf of the City subject to final review and approval by the City Attorney.
    - (2) City Council consider adopting **Resolution No. 2019-20**, approving the purchase of one not fully equipped 2019 Dodge Durango from My Dodge of Salinas, California, and the safety equipment necessary to fully equip the vehicle, waiving the City's formal bid process; finding that competitive bidding would more expensive, would not produce an advantage and would not be in the public interest; authorize the Finance Director to make necessary accounting and budgetary entries, and; authorize the City Manager to execute purchase agreements in an amount not to exceed \$ 43,500 on behalf of the City subject to final review and approval by the City Attorney.

- (3) City Council consider adopting **Resolution No. 2019-21**, approval of a letter of support for Community Homeless Solutions application for HEAP funding to renovate existing transitional housing units at Wittenmyer Court in the City of Marina

g. APPROVAL OF AGREEMENTS

- (1) City Council consider adopting **Resolution No. 2019-22**, approving acceptance of \$2,166 from State of California, Department of Justice, Bureau of Forensic Services Untested Sexual Assault Evidence Grant Program, and; authorize expenditure of said \$2,166 received from State of California Department of Justice, Bureau of Forensic Services Untested Sexual Assault Evidence Grant Program, and; authorize Finance Director to make necessary accounting and budgetary entries, and; authorize City Manager to execute grant 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):

- (1) City Council consider adopting **Resolution No. 2019-23**, receiving Marina Police Department 2018 Annual Report. *Pulled by Council Member Berkley, to be heard prior to the Public Hearing Item 9a.*

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS: None

Council Member Berkley had questions for 8f(1), 8f(2), - *Were hybrids considered for these two vehicles?* 8g(1) – *It was stated by former Commander Nolan that evidence collected on rapes cases were compromised because of refrigeration issues and if the cases that have not been tested correspond to that time frame?* and pulled 8j(1) to be heard prior to agenda item 9a.

Mayor Pro-Tem Morton had a question on 8f(3) – *Why the new staff report with additional facts that was on the dais?* The letter dated March 6<sup>th</sup>, suggest that we be clearer in the first paragraph that we state that we’re in support of them seeking funds to repair their existing transitional housing units.

**DELGADO/URRUTIA: TO APPROVE THE CONSENT AGENDA MINUS 8j(1). 5-0-0-0 Motion Passes**

**8j(1)**

Staff report and presentation by Police Chief Nieto

Council Questions: How many officers have we lost? What is one thing the city could do better to retain officers currently employed? Would a housing incentive be of interest to our current officers or is that primarily for recruitment? Are your priorities for the next fiscal year 2019-2020 to fill the vacancies you have and to hire up to two records technicians? Is the goal for fiscal year 2020-2021 to hire additional officers to your table of organization? Approximately, how many vacancies do we have for patrol officers?

**O'CONNELL/MORTON: TO APPROVE AGENDA 8g(1) ADOPTING RESOLUTION NO. 2019-23, RECEIVING MARINA POLICE DEPARTMENT 2018 ANNUAL REPORT. 5-0-0-0 Motion Passes**

Public Comments:

- Brian McCarthy – Commented about a news article in the Coast Weekly about “distrust and transparency” noted that CrimesReports.com site does not have crime statistics/crime data beyond 30-days, why? Asked Council about forming a Citizen Police Advisory Board.
- Howard Gustafson – commented that crime was down due to Black and Hispanic unemployment is the best it’s ever been due to President Trump. Does not support a Police Advisory Board.

9. PUBLIC HEARINGS:

- a. City Council to open a Public Hearing, Take any Testimony from the Public, and Consider Planning Commission Recommendation to Adopt a Resolution Approving a Combined Development Permit Consisting of 1) Specific Plan SP 2016-02 to Guide Development of Project Site and Residential Density; 2) Conditional Use Permit (UP 2016-07) for Residential Density Over 25 Units per Acre; 3) 10% Density Bonus and Project Incentive to Allow a Reduction in Parking; 4) Affordable/Inclusionary Housing Plan for Two (2) On-Site Affordable Housing Units; and 5) Site and Architectural Design Review (DR 2016-03) for the Site Plan, Elevations and Landscape Plan for a New Four-Story, 12-Unit Apartment Complex at 225 Cypress Avenue (APN: 032-311-009). Exempt from CEQA per Article 19, Section 15195.

Presented by Christy Hopper, Planning Services Manager

Council Questions: do you think the overflow parking would park in the city parking lot at 209 Cypress? Is, the any security components planned for the gym users? Has the bridge between the two buildings been removed so there is a separate access and no longer a connection? With the separate access is it one or the other? Of the 10 parking places, does that include visitor parking? Are there any ADA parking spots? Has there been any designation of the affordable units at to how many bedrooms? Will the affordable until remain restricted for affordability? Are the surrounding properties also part of the commercial/residential district? Does the commercial/residential district allow up to four stories? Would you say that this design is inline with the vision for this zone if we approve the Downtown Specific Plan as currently envisioned? Does the project fall a little short of where we would like to be with the Specific Pan? Do any of the other projects already approved have a Floor Area Ratio (FAR) of .09? Are these rentals? Are they ADA compliant? How come there is not parking at the rear of the structure by the basketball court? How are parking spots designated if you have multiple vehicles per unit? Why was underground parking not considered for this project? Does your team prefer the bridge or the no bridge? Where are you on the basketball court vs. an open landscaped area, what would be your preference? Will there be a limit on a number of vehicles a tenant could have per unit in the rental agreement? Where is the affordable unit located? Does the affordable unit have a parking stall in the secured area? Is there enough space between a theoretical basketball court and the residence or is the construction of a sort that’s going to minimize the sound? What kind of an effect does the have sound wise on the residential piece of the project?

Public Comments:

- Howard Gustafson – noted that with this project his view shed is now gone. Used to be able to see the dunes from living room. Concerned about potential noise from the neighbors. Does not like

the idea of balconies or open spaces/basketball courts due to privacy issues and noise. Not concerned about the parking, plenty of parking on the street when people leave for work.

**DELGADO/O’CONNELL: TO ADOPT RESOLUTION NO. 2019-24, APPROVING A SPECIFIC PLAN (2016-02) TO GUIDE DEVELOPMENT AND RESIDENTIAL DENSITY OF THE PROJECT SITE AT 225 CYPRESS AVENUE (APN: 032-311-009). 5-0-0-0 Motion Passes**

Delgado/Berkley: to adopt a resolution approving the combined development permit at 225 Cypress Avenue and to include the basketball court and the bridge between buildings. Motion withdrawn

**Substitute Motion**

**O’CONNELL/ MORTON: TO ADOPT RESOLUTION NO. 2019-25, APPROVING A COMBINED DEVELOPMENT PERMIT CONSISTING OF A CONDITIONAL USE PERMIT (UP 2016-07) FOR RESIDENTIAL DENSITY OVER 25 UNITS PER ACRE; A 10% DENSITY BONUS AND PROJECT INCENTIVE TO ALLOW A REDUCTION IN PARKING; AN AFFORDABLE/INCLUSIONARY HOUSING PLAN FOR ONE (1) ON-SITE AFFORDABLE HOUSING UNIT; AND SITE AND ARCHITECTURAL DESIGN REVIEW (DR 2016-03) FOR THE SITE PLAN, ELEVATIONS AND LANDSCAPE PLAN FOR A NEW FOUR-STORY, 12-UNIT APARTMENT COMPLEX AT 225 CYPRESS AVENUE (APN: 032-311-009); WITHOUT THE BASKETBALL COURT BUT TO INCLUDE THE BRIDGE. 5-0-0-0 Motion Passes**

Public Comments on Motion

- Howard Gustafson – Appreciates the elimination of the basketball court.

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 Delgado – Mayor’s Association met last Friday in Del Rey Oaks and spoke mostly about the Regional Housing Needs Assessment and how Del Rey Oaks, Monterey, Pacific Grove, Marina, Seaside are all not compliant and discussed the recent meetings that some of us have had with our new Governor on this issue. We discussed the Monterey Water Management Districts appointment of Mayor Potter and there will be a revote on it because some folks were not happy with the appointment process.

- 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.

Brian McMinn, Public Works Director - updated Council on Tatum's Garden/Tatum's Treehouse. We have been going through the parks planning process for the four parks, we brought them to joint commissions and shortly we will be bringing them to the Council for review. Tatum's Treehouse Organization has submitted a Request for Information and looking for response on March 15<sup>th</sup>. We met together with staff and initially we were looking at the Sea Haven Park from a timing perspective. We had a phone call from Tatum's Treehouse and the Sea Haven developer yesterday to look at that as a possibility. We learned a lot more about what requirements we should be anticipating for this type of facility as far as visitors, parking requirements, ADA requirements, bathrooms, drinking fountains and all the facilities that need to be there to support this.

Council Member Urrutia – Had conversations with some of the Downtown business owners that expressed having food trucks in the Downtown on Friday's and Saturday's after the restaurants typically close, specifically around Vista Del Camino/Reservation Road area.

Mayor Delgado – Mentioned that if we have time on Tatum's Treehouse to relax a little bit to ask MST to see if it's possible to get eh treehouse Downtown instead of outside our Downtown.

- 13. ADJOURNMENT: The meeting adjourned at 9:15 PM

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Anita Sharp, Deputy City Clerk

ATTEST:

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Bruce C. Delgado, Mayor