MINUTES

Tuesday, May 5, 2020 **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 response to Governor Newsom's Executive Order N.29-20 and City Council Resolution 2020-29 ratifying the Proclamation of a Local Emergency by the City Manager/Director of Emergency Services related to the COVID-19 (coronavirus) pandemic, public participation in the City of Marina City Council and other public meetings shall be electronic only and without a physical location for public participation, until further notice in compliance with California state guidelines on social distancing. 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/

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)

   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, 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 - initiation of litigation pursuance to paragraph (4) of subdivision (d) of CA Govt. Code Section 54956.9 – two potential cases.

b. Real Property Negotiations

i. Property: Imjin Parkway/Landfill Site, APNs 031-101-039, 031-101-040, 031-101-041 and 031-101-042
Negotiating Party: County of Monterey and Successor to the Redevelopment Agency of the County of Monterey
Property Negotiator: City Manager
Terms: Price and Terms

ii. Property: Dunes Property (APN 031-251-005)
Negotiating Party: Shea Properties
Property Negotiator: City Manager
Terms: Price and Terms

c. Public Employment: pursuant to paragraph (1) of subdivision (b) of CA Govt. Code 54957 – Performance Evaluation, Unrepresented Employee – City Manager.

6:35 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

Robert Rathie reported out Closed Session: Council met at 5:00PM, established quorum and went into Closed Session. Council received information for each item listed, provided direction and no reportable action was taken.

4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)

5. SPECIAL PRESENTATIONS:

a Proclamation

i. Edith Johnsen, Former Marina Mayor, 4th District Supervisor

b Public Works Week Proclamation

c Professional Staff Person of the Year 2019 Video, Teresa Garcia

d 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 – At the last council meeting it seemed that the Council would like the Tree Committee to meet as soon as possible for non-SB330 duties and wondered if their direction to staff to allow us to meet at the next regularly scheduled quarterly meeting on July 8th or is it a separate council agenda item that would be required that to allow that happen? Also at the last meeting staff mentioned several significant SB330 related housing developments from the Dunes coming soon to the Planning Commission with tree removal permits and was wondering since the Tree Committee is not part of the process if the council would think it was a good idea for staff to send those packets also to the Tree Committee members when they send them to the Planning

Commission members so we can provide some comments and information to the Planning Commissioners to consider?

- Brian McCarthy – Our city has cobra head style streetlights throughout the city that belong to individual property owners and not the city. This creates some challenges including an esthetic challenge where for example right in our downtown corridor there's single different light style output, an energy footprint in the lights that surround it. It might seem like a petty observation but in my opinion it one small piece to help create a whole perception that Marina has some continuity or identity issues. Can the city take a look at this and consider the pros and cons of taking ownership of these light poles? If the don't decide to do that maybe creating some program to help property owners to change out the old-style lights with more energy efficient, earth friendly lights or something of that nature. Looking at what the advantage is of having this carried on in the future as developments come into town. Just a couple of things to consider as we look down the road of what we want our city to look like. Noted that SpaceX launched 60-star link satellites to provide internet throughout the globe and at 9:02 PM tonight a satellite train is expected to pass orbit and should be visible from 9:02 for eight minutes. It's supposed to be coming from the northwest.
- Nan Dillan – Wanted to give a shout out to all the delivery people that are serving our community right now with no hazard pay and to bring it to people's attention about that and if you haven't thanked them already possibly find a way to thank them. They are feeling overworked, under paid and certainly not feeling appreciated.
- Dan Amadeo – What are we going to do about public education as it relates to these district elections? From the people I've spoken to there are a vast majority in this city that don't even know district elections exist. How are we going to go about educating people, so they know what the means and they know what district they're in and how's that going to work? Assistant City Manager spoke about possible workshops but this not the way a workshop is going because a lot of people can't log into these things or don't know how. We need a plan to inform the public on how district elections are going to work. A while back the city sent our flyers regarding some issues around water and I'm not sure what our budget position is but can we do the same thing, send out flyers so people know. They get a map of district or where the districts are and how that works, what districts are up for 2020 and what's up for 2022? If the public is not informed, then we may do ourselves a disservice.
- Cristina Medina Dirksen – Information on the 2020 Census. The response rate is at 58% for the State of California and Marina rate is looking at 64.7% which I think is probably amongst the highest in County. The Census has been extended and as we know is done every ten-years and vital surfaces that we receive will depend on our response rate. Everything from fixing our roads to political representation to our hospitals, schools, just all kinds of formulas for funding are tied to the Census. Have been working to help promote this and seen a lot of other communities lacking and are really targeted other communities because we're low hard to count county. Wanted to give a shout out to those who have completed the Census, 64.7% is fantastic and to those who have yet to do it, go ahead and do it. Won't be completed until October. It's easy, go online to 2020census.gov.
- Greg Fury – Wanted to comment on the individual who's been hired to do the code enforcement and extend a kudos. One experience with fellow property owners where the individual was called out and handled things in an extremely professional manner and was a win-win for everybody. I looked at that person's background and I think it was positive thumbs up kudos to that individual and the background and professionalism that was brought to the table. This is for the City Attorney, I stood in the bleachers and witnessed the whole unraveling of the lawsuit that was unanimously voted on by the council to fend off a lawsuit from the attorney that brought it to the

City of Marina to forming districts and since then I've seen particularly on Nextdoor a lot of kangaroo-court participants chiming in with their versions or their opinions of an extremely complicated issue, which I would only liken to trying to mold Jell-O into a perfect square. I think one of the most troubling things is I've seen a lot of accusations that this is all gerrymandering, manipulated by council members and asked the city attorney if he is able to answer that question, if he perceived, having witnessed the whole thing and made recommendations in consulting the city, does he perceive the whole process to be the result being a gerrymandered set of districts.

- David Brown – Responded to previous speakers comments on district map gerrymandering.
- Elizabeth Billingsley – Asked city staff when the striping on the newly paved street were going to get done. right now there are no markers or stripes on the roads.

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 94901-94955, totaling $499,071.43
      Accounts Payable Successor Agency EFT & Check Number 46 totaling $8,907.50

   b. MINUTES:

      (1) April 14, 2020, Special City Council Meeting

      (2) April 14, 2020, Adjourned Regular City Council Meeting

      (3) April 21, 2020, Regular City Council Meeting

   c. CLAIMS AGAINST THE CITY:

      (1) City Council Rejection of Claim - staff recommends that the City Council reject the following claim and direct sending appropriate notice of rejection to claimant: Conner Ebright for a claim received on March 23, 2020.

   d. AWARD OF BID: None

   e. CALL FOR BIDS: None

   f. ADOPTION OF RESOLUTIONS:

      (1) City Council to consider adopting **Resolution No. 2020-42**, fixing and levying a Special Tax for principal and interest payments and administrative costs on the City's 2015 General Obligation Refunding Bonds for Fiscal Year 2020-2021; and **Resolution No. 2020-43**, certifying Compliance with State Law

(Proposition 218) with respect to special taxes for the 2015 General Obligation Refunding Bonds Tax Levy for Fiscal year 2020-2021.

g. APPROVAL OF AGREEMENTS

(1) City Council consider adopting **Resolution No. 2020-44**, calling for a general municipal election in the City of Marina on Tuesday, November 3, 2020, for the election of certain city officers; and requesting the Count of Monterey agree to the consolidation of the election with the statewide general election and requesting the County Elections Department to render any and all services required to conduct the election; and authorizing the Finance Director to appropriate funds and the City Manager to execute a service agreement for the provision of election services between the City of Marina and Monterey County Elections Department/Registrar of Voters subject to final review and approval by City Attorney.

(2) City Council consider adopting **Resolution No. 2020-45**, approving an Agreement between the City of Marina and PG&E for an On-Bill Financing (OBF) Program for City facility lighting fixture upgrades, and; authorizing the City Manager to execute the Agreements on behalf of the City subject to final review and approval by the City Attorney.

(3) City Council consider adopting **Resolution No. 2020-46**, approving an amendment to the agreement between City of Marina and Formation Environmental, LLC. to provide engineering services for the groundwater sustainability planning; authorize a budget appropriation from the General Fund in the amount of $32,000; authorize the Finance Director to make the necessary accounting and budgetary entries; and authorize the City Manager to execute the agreement on behalf of the 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. 2020-47**, receiving Marina Police Department's 2019 Annual Report.

(2) City Council consider adopting **Resolution No. 2020-48**, adopting an updated list of projects for Fiscal Year 2020-21 funded by SB 1: The Road Repair and Accountability Act of 2017.

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS: None

Brian McCarthy had a brief comment for agenda item 8g(3) – not recommending that is be approved, but I change a lot of LED lights and always conduct the payback period calculation and aim to get to a two-years, which is really aggressive, four-years is more realistic and the payback calculation on these lights is about six-years incentive and nine-years without. So it's a little high and hopes that in the future you can continue to look at that and look at the values of having your staff doing it yourself versus farming it out.

Paula Pelot had a brief question for agenda item 8g(3) – Notice in the staff report it mentions Preston, an audit of Preston and not sure if that's Preston Park Housing development or is that Preston the Sports Center? Surprised to see that as we've already replaced the lights out here with LED's. if we did it for Preston Park wondering why we didn't also do it for Abrams?

Council Member Berkley requested a correction to agenda item 8b(3), the April 21, 2020 minutes to include on page 15 reflect that agenda item 11h was pulled from the agenda.

DELGADO/MORTON: TO APPROVE THE CONSENT AGENDA WITH CORRECTIONS TO THE MINUTES OF APRIL 21, 2020 AS NOTED BY COUNCIL MEMBER BERKLEY. 5-0-0-0 Motion Passes by Roll Call Vote

9. PUBLIC HEARINGS:

   The matter of a public hearing for: **(1)** Cypress Cove II Landscape Maintenance Assessment District; **(2)** Seabreeze Landscape Maintenance Assessment District and **(3)** Monterey Bay Estates Lighting and Landscape Maintenance District which previously scheduled to be heard during this meeting has been rescheduled and these matters will be heard, after notice is given according to law, at the June 2, 2020, City Council meeting.

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.*

    a. City Council of the City of Marina acting as the Successor Agency to the Marina Redevelopment Agency consider adopting Resolution No. 2020- (SA-MRA), taking the final actions required to issue tax increment bonds for the Dunes on Monterey Bay project, including approving the form and authorizing distribution of two preliminary official statements in connection with the offering and sale of two series of tax allocation bonds by the Successor Agency to make payments on an enforceable obligation, and approving related documents and actions. ***Continued to May 19, 2020***

Questions: Draft Preliminary Statement – You have the City Manager signing this document, correct? What is the legal import of that when the description of the project has not been approved by the Planning Commission and Council etc.? Why does the City Manager then execute this if it's not a representation? Page 7, paragraph 2 – *"subject to change as deemed advisable by the City Manager"* but it would seem we would review this to see what the content is before we had our City Manager execute it? Is this a typically prepared document or does it leave us at all vulnerable such that there are any changes that need to be made to address those vulnerabilities? What should we do just to make sure that we don't get bit later on for this document being used as the city's position and later when we want to make changes that we wish we would have made them sooner?

MORTON/DELGADO: TO BRING THIS ITEM BACK WITH FURTHER INPUT FROM BOND COUNSEL, OUR ATTORNEY, CITY MANAGER AS TO THE CONCERNS; AND HAVE IT ON THE MAY 19, 2020. 5-0-0-0 Motion Passes by Roll Call Vote

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. 2020-49**, approving and authorizing the execution and delivery of building removal funding agreements and indenture of trust related to the Fort Ord Reuse Authority Tax Allocation Bonds, Series 2020 (Federally Taxable).

Questions: Is there any downside to this on either the building removal part or the city's responsibility for doing its administrative role for other cities? Throughout this Indenture of Trust there are several pages that make reference to acts that have to be performed by the Authority (FORA) and some of them appear to be long after the Authority has dissolved. Who steps into the shoes, if anyone of the Authority, is it the administrator? Exhibit A to the Indenture of Trust and in that Indenture of Trust it has identified 14-parcels for use of the bond proceeds, and then when we get to the contract that FORA drafted and in looking at Exhibit A - Removal Costs Related Parcels "*The parcels on which building removal activity of the funding recipient are to occur"* and you have listed 7, half the number of parcels. Why are there fewer parcels on where we can apply these funds, that we're removing discretion in our contract it appears or FORA has? Why does it go from 15-parcels to 7-parcels? How many more parcels are going to be added to the list before this is a final document?

Mayor Pro-Tem Morton: if follow up to a comment, because the FORA Board was given the contracts that went to all entities, that some entities have a catch-all that "*all proceeds can be used on <u>any</u> other land sites within their jurisdictions located on the former Fort Ord"* I'm trying to make sure my contract for the City of Marina reflect the totality of our obligations with the widest discretion for us to use the bond proceeds. I don't see that here.

City Manager Long: That Exhibit B was taken off the original FORA Board action back in December and those are the parcels. Since then we've added parcels, the County has added parcels, and so that Exhibit B has not been updated to reflect those added parcels. Those are all on separate building removal document. Paul Timmig just needs to update that Exhibit B, and then the specific language to be added will be: *"Any other parcel within the boundary of the former Fort Ord military base that is now located within the City of Marina".*

<u>MORTON/DELGADO: TO ADOPT RESOLUTION NO. 2020-49, APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF BUILDING REMOVAL FUNDING AGREEMENTS AND INDENTURE OF TRUST RELATED TO THE FORT ORD REUSE AUTHORITY TAX ALLOCATION BONDS, SERIES 2020; WITH THE ADDITION OF ANY OTHER PROPERTIES THAT'S WITHIN THE CITY OF MARINA ON THE AREA OF THE FORMER FORT ORD BE ADDED TO OUR EXHIBIT AND LIST OF REAL ESTATE</u>. 5-0-0-0 Motion Passes by Roll Call Vote

Public Comments:

- Elizabeth Billingsley – What kind of bond issuance and who is paying for these bonds and how does it work?

b. ~~City Council consider adopting Resolution No. 2020-, approving an Emergency Facilities Use Agreement between the City of Marina, Joby Aviation, and Monterey County for the use of an alternate care site facility and storage site on a temporary basis to be used an alternate medical care site for non-intensive care treatment of COVID-19 patients; and authorizing City Manager to execute the Emergency Facilities Use Agreement it on behalf of the City, subject to final review and approval by City Attorney~~. ***Item pulled from the agenda***

c. ~~City Council consider adopting Resolution No. 2020-, approving a Conditional Airport Use Permit for Monterey County to utilize the unleased portion of the south tarmac at the Marina Municipal Airport for their COVID-19 Response; and authorizing City Manager to execute the Conditional Airport Use Permit on behalf of the City, subject to final review and approval by City Attorney~~. ***Item pulled from the agenda***

d. COVID-19 Update

e. City Council discussion regarding placing on a future agenda item the possibility of putting on the November 2020 ballot the option of moving from four to five districts when we re-district, based on the 2020 census, in May 2021 (Berkley, step one of a two-step process)

Council Member Berkley: Read an opening statement (Attached to Minutes)

Council Member O'Connell - Councilwoman Berkley should be thanked for bringing the present election process concern to the council and the public. She certainly should not be subject to hostile comments. It is not an issue about this or any mayor. The mayor has one vote on each issue. The mayor recommends appointments to committee's subject to council approval. The mayor, and all of us must comply with policy, procedure and the CA Brown Act.

The question is whether or not there should be five districts with each having one elected council member or the imbalance of one district having two elected officials.

Four years ago, I authored a city ballot measure for a four-year mayoral term. I believed that to be the best approach for the city and the voters approved it. Since then the city has been divided into election districts. This was the result of the CVRA and the potential for costly litigation. The city council avoided the litigation by dividing the city into 4 election districts. That is a drastic change in the voting process in the city. Now do the voters want to level the playing field so that no one district has the benefit of two council members. I believe it to be a valid question that the voters should be allowed to address, but I believe it is premature and should not be placed on the ballot. Two main reasons: 1. There are at least two CA cases in the courts that are challenging the constitutionality of the CVRA. One that I know of is in the 2 appellate district court and the other one is on the docket at the United States Supreme Court and may be decided by that court. We should wait to see the decisions. It may result in the city council being able to go back to the at large election process throughout the city. 2. We have not gone through even one election cycle to see how the district election process works. I think we should go through the 2020 election or even the 2022 election before we consider addressing this very valid issue. As a result, I will be voting NO on this matter.

Council Questions:

Berkley/Morton: That we move to a second step and place on a future agenda with a full staff report.

Public Comments:

- Nathaniel Sawyer – Concerned about voting rights being taken away from Marina resident. It is an outrage that our city would be moving to take away the right of our citizens to vote for their leadership. Huge civil rights issue and fair elections are critical to ensuring the democratic process You work for the people and not yourselves. Opposes this item going forward.
- Olga Chandler – Voiced her concerns about not being able to vote for a mayor. Voting is a right in this country for every citizen, most importantly is the voting for a mayor because that mayor represents your local politics, your city and has the most impact on decision that will involve citizens of this city. Opposes moving this forward.

- Doug Chandler – Clear that voting for a mayor is important. Mayor represents who we are, and we need to be sure that that doesn't get taken away. The idea of having other people vote on who our mayor is aggreges. Council should not be allowed to appoint our mayor.
- Mike Owen – Expressed his concerns and points about putting this item on the agenda. Agrees in part with the mayor about the decisiveness in not being the right time to have to come forward. Agrees with Council Member O'Connell on needing to take time to make sure whatever we're doing is checking all the possible boxes. Opposes this item
- Tina Walsh – What does the voting public have to gain or lose? We don't know because no information was provided in the packet. Knows this idea is wildly unpopular and if it got to a ballot in November would lose. Marina residents both old and young are engaged and we want a say in the direction the city takes. Rotating a mayor between council is not a good option, we do that by voting for our mayor. Government is supposed to move slowly and cautiously. Marina has not experienced an election by districts so let's take the time to see if it's working before, we go changing it. The current system is valid and an there is no pressing reason for spending money to change it. Opposes this item
- Nancy Amadeo – The Mayor made an immediate assumption that the council would vote on who was going to be the mayor and that was never mentioned as being what would happen. Watsonville is a diverse community and does it by rotation, they elect their council members and then rotate who's going to be mayor. There is a large group of people who have said don't do this but what we haven't heard from the people who say I'd like more information and the right to vote on this myself. If this made it to a second time and council then said let's put it on the ballot, council is not saying this is what we're going to do, the council is then saying lets let the citizens vote on whether or not they would like this. I see it as equal representation. Approves of this moving to the second step.
- Steve Zmak – Completely outraged when this first appeared on the agenda two weeks ago. Saw it as a complete waste of time. Agrees with previous speakers oh having the right to vote for our Mayor. As for having a discussion on this, we've already had a discussion on this when we went to a four-year seat for the Mayor instead of a two-year seat. We have the conversation on this when we went through the whole redistricting. Council Members Berkley and Morton, if you really want to see this discussed further get a petition, get the voters signatures and do the conversation that way. Would like to see this killed tonight.
- Dawn Alva – Concerned about this agenda item. Marina is an extremely diverse community and when looking at the council, the districting where each sits, currently do not represent the demographic of Marina. Since we are so small, I believe that a mayor and our current mayor has the capacity to represent all persons within our small community. This action would further limit my voice, my voting rights and I want the ability to vote for my city representatives. This is the wrong timing and for the wrong reasons. Feels this is personally and politically motivated.
- Ephrin Valentine – the at-large Mayor position voted by all is a representation of all sectors of the community. Thinks this has flaws built in. What about district term limits? What if a rotation occurs in a district where there is a new representative that may or may not be ready to take on the role of mayor? Feels this appalling to discuss removing an elected representative of all the community and lowing the amount of vote from 40% currently down to 20%. Recommends that the council vote no on continuing this path. It's a waste of time, tax dollars and cuts the representation of all of Marina residents by limiting their vote to one district.

- Kathleen Founds – So, the justification for this item that I'm hearing is it would prevent one district from having more than one representative, but the people of Marina do not think of themselves in terms of districts. No one knows what the districts ever are. To the average citizen they seem to be cut at random. Our interests are in common in Marina. If you actually want to provide representation and reflect the will of the people you continue to allow us to vote for our mayor. The idea of rotation is especially problematic. Please do not take away our rights to vote for a mayor. Moving this forward take away energy from many other valuable things.
- Nan Dillon – Not involved in social media but wanted to know if the citizens petitioned the city for this? Not sure how it got on the ballot. The ballot initiative to do away with the citizens voting for our mayor and having the mayor be voted in by the counselors I'm extremely opposed to that. all great cities have an elected mayor. Why we a trying to give us less instead of more? We just switched over to district elections and now we're going to lose our ability to vote for a mayor? Object to the consolidation of power that the council give that gives all the power to the counselors, seems like a power grab. Oppose this measure feels it is stripping the power away as a citizen.
- Dan Dillon – this is a very difficult time for Marina and the country. This is not the time to add more to our plate to make things even more difficult. The citizens of Marina need a voice in who the mayor is. For Marina to lose this is will result in the steady decline of the city council followed by the City of Marina. Look at other cities who have gone down this path and the downward spiraling results. The first step in losing a city is district voting. The second is losing our right to vote of our mayor. Encourage council to vote no
- Audra Walton – Thanked the mayor as well as Supervisor Parker and Wendy Root Askew for staying engaged with the residents here is Marina with the weekly townhall meetings and social media posts. Implores the council abandon any thought of removing the right of voters to elect the mayor for Marina as well as abandon the thought process of the creation of a fifth district following the 2020Census. Opposes moving to the second step process. We do not need a fifth district. Asked if we are now in compliance with the Voter Rights Act suit?
- Jill Hollingsworth – Made comment on the legal definition of "gerrymandering" involves race. Made formal request for information on both sides of this issue. Would like to provide the Monterey County branch of the ACLU with a summary of the key issues regarding the districting and formally requests that information include the lawsuit that was mentioned that forced the districting.
- Greg Simmons – Does not think social media is the best way to discuss deep matters and it really begs to questions how do you really engage the public to discuss matters like this? We need to go further than social media. Agrees with Council Member Berkley about people not wanting to turn to social media if they have an opposing view. Agrees with Council Member O'Connell that the timing is not good. Agrees with comments made by a previous speaker that more information is needed and a have reasonable discussion.
- Cristina Medina Dirksen – Looking to contact a city leader from another community on their districting and spoke with their mayor. The mayor is the go-to person that you know represents your community. Think about the wall of Mayors you see when entering city hall, there's some kind of tradition here. This issue snowballed because there is so much lack of information that lead people to speculate the motivation behind this. This is not the right time for this during this pandemic. Many other communities have more districts. The city really doesn't have much to gain and as pointed out before the city has a problem with communication. We must work much harder at communicating with the public.

- Brandon Kelsey – Agrees that term limits need to be discussed for the mayor position. This is a huge issue for all of us. Local government is the most important form of government and our ability to vote for our local representatives keeps the public involved in the process and allows us to hold our elected officials accountable. Here is our opportunity to do retain our ability to do so. This is our town, every single person who lives here. The mayor being our representative represents all of us. The power of the voter is sacrament.

- Surinder Rana – One council member stating that she felt intimidate on social media, and another person stated that Social media is not a place for this. Social media itself is a form of discussion. If people made some comments nobody should feel intimidated. Those comments are coming from people and they are voters and that is what this whole election process is about. Opposes the whole argument and discussion. A mayor is a person and we see certain attributes and put them in place as a mayor. A council member is a person but represents a smaller selection of people. When people elect a mayor, they expect him or her to deliver according to the expectation of the people. So, by diluting the whole appointment or limiting the appointment of mayor does not make sense. When this pandemic is over, we are going to need a united city under the leadership of a mayor and city council.

- Liezbeth Visscher – Spoke about 'gerrymandering maps. Where did the council get the idea that this is a legal term only for racial gerrymandering? Provided definition of the word "gerrymandering". It would be very hard or impossible to convince me the location of the homes of the four council members were considered. That same demographer has been criticized for more gerrymandered or manipulated maps in other cities. In my opinion today's discussion has exactly the same intent as the proposed consideration that was added to the April 21st agenda, a potential amendment to eliminate the elected mayor position. I strongly oppose the just thinking about the option to eliminate the elected mayor position. It is important to have one representative for the entire city. I want to be able to vote for that person besides being able to vote for a council member in the district I reside in.

- David Burnett – Thanked Council Member Berkley for placing this on the agenda, it shows real vision and concern for the community. The Constitution of the United States clearly states that we are represented one person, one vote. If we have four districts, we will always have one district with two representatives in it. The item tonight is to have a discussion about how five districts clearly gives everyone an equal vote. The mayor position is not special. It is not granted any authority other than what council has. We are not trying to do a power-grab, we are trying to have a discussion about how to account for one person, one vote. The election coming up in 2020 is going to be by district. There are two council persons that were elected in the 2018 cycle. They are not in the 2020 ballot but yet their districts will have representatives. We are not redistricting; this is districting, there weren't district before. Asked everyone to read up, to study what districting means, what our city council represents and how the city can go forward.

- Paul Manuel – Whole family is form Marina and they are opposed to this idea of taking the voting of the mayor away from residents. Thanked Nathaniel, Olga and Steve for their very articulated and well said comments; hopes that the district voting gets reversed. Wouldn't it be in everyone's best interest to wait until this legal decision has been made, until something like this has been brought to the table? What is the motivation to not only bring this up and try to put this on the ballot but put it foreword during this time of pandemic and everything else? Someone made a comment about not the place for social media; love it or hate it social media is here, and it has its advantages and disadvantages for everyone equally. Thinks social media has to be used to engage people into getting involved. I think it works well

10:00PM

Delgado/Berkley: to continue the meeting to 10:20 PM. 4-0-1(Urrutia)-0 Motion Passes by Roll Call Vote

- Elizabeth Billingsley – Lived in Marina since 1961. We always elected a mayor. Frank Vinyard was our first mayor. Does not appreciate that my vote is being taken away. Lived under Hitler and communism and you know what that vote means to me, that is my freedom. That is voice and that is speech and can vote for whomever I want or don't want. Does not like to see anyone take that away from us. Does not like the districting at all. Our city is so integrated and cannot see that our city needed districting. If you're going to do something, go to the five districts, everybody can have a vote and we can elect a mayor. If this is in the courts right now, then maybe we should wait.
- Christy Prado – Wanted to speak to the idea that if we were to switch to a rotating or council selected mayor in our current council situation to the best of my knowledge all four of our council members have their seat only because they ran unopposed. They were never went through any kind of election process where there was a choice because we have very few people in our city are able to stand up fill that position. I see in our future our districts we're going to have a bigger problem because now someone has to be from a certain district in order to run for that district and in our current situation the only person in our current council makeup is the mayor himself who was actually elected process where there was more than one candidate. If we no longer have our current mayor on the election process here, we would be losing more than just the vote we have. Opposes this item.
- Brian McCarthy – Thanked Frank for acknowledging that this is not the time for this discussion. Thanks to the community for participating tonight. Would like to hear a little bit more about the original wording as it really was dramatically different than what's on the agenda tonight. Can you provide a little more color as to how this happened? Was it the City Manager that suggested moving to a general law city? would be surprised if that came from the general manager. How do items get placed on the agenda? It is supported by two members or just one council member? What is to stop a council member from placing this on an agenda again next week? Thinks the public deserves a little more color on how that process works. Instead of asking ourselves how we can make ourselves more divided, more partisan we should be asking ourselves how we can make ourselves less divided, less partisan. Where's the initiative for that? the public feels very strongly about this topic. Rotation is problematic, some people might not want to be mayor. Now it not the time for this and hopes council rejects this.
- John – Lived in Marina since 1982 and seen a lot happen in that time and have always had the opportunity to vote for mayor in Marina and always took pride in that. The citizens on Marina also take pride in voting for their mayor. The mayor is the mayor of the people, not the mayor of the city council if we decide that the mayor is going to be an appointed position. Otherwise like we said, three members of the council can determine who the mayor will be. That's three voters in Marina that would vote for who the mayor would be. Not three city council members, I would say three voters in the whole city would determine who the mayor would be. We would be taking a step backwards if we do that. Agrees with council member O'Connell concerning the court cases that are in progress right now concerning the district voting. We should delay any further attempt to proceed with this proposal until we see what happens in those court cases.

- Kathy Biala – Does not understand how Council Member Berkley said she's concerned about giving people a vote. The public has already given a clear indication that Marina wants to maintain our right to vote of our mayor. How does a five-district system maintain an at-large vote for mayor? Marina residents have to know the impact to the mayor election. Please do not use tonight or next step two meeting as evidence of the public fair chance to weigh in and discuss matters. Social media is a completely legitimate forum for public discussion. There was so much objective and factual information shared. It was asked if the public asked for this and the answer is no, and the strong opinions are testament to that. There has been a gross miscalculation of the will of the people especially by thrusting this upon us during this pandemic. We simply don't wish to ~~advocate~~ abdicate our right to vote for the mayor position.

10:20PM

Morton/Berkley: to take the three speakers and limit the discussion to no more than 15 minutes to complete this item. 4-1(O'Connell)-0- Motion Passes by Roll Call Vote

- Debbie Gentry-Rao – Opposed this new five districting proposal because of the fact that it would automatically lead to the elimination of the elected mayor position and reduces our right to the only elected one seat of five people on the city council. Please don't take away our vote. I find this entire ordeal is especially in light of the current situation going on with the pandemic crisis during this time period while our Marina residents are too overwhelmed with families, business and school. It's not the way democracy works. Marina's people like voting for their mayor. Marina just voted to extend the mayor term from two-years to four-years. Stability and longevity of the mayor position is what's in the best interest of the city. Please don't change something that's working for our city.

- Greg Fury – Wished that a lot of the people that was so engaged on social media would have been 10% engaged in FORA, nevertheless, it has been a very hot issue and emotional reaction. The idea was brought up to discuss the possibility and all of a sudden it turned into a lynch mob. I did not comment because unlike Kathy Biala I did take great offence to some of the comments made about people by people. Looked at different cities and 68 out of 88 have a district system where the mayors rotate but a lot of different forms of rotation. In cities of similar size have at-large mayors. There are a lot of possibilities out there. Agrees about having equal votes. Hopes the court case decides against districts and we can go to an at-large system again or citywide voting system. Believes the mayor and council positions should have term limits.

- Paula Pelot – Back when we did these, the district to begin with last year this item was brought up by members of the public and council that we should look into five district but there was a time constraints because of the legal challenge so the fact that so many people are surprised by this coming back is a surprise to me. When you are under one of these challenges for districting it's based on racial gerrymandering, which is why when you look at the staff reports it talked about protected classes and underrepresented. There is a strict legal definition for that. after sitting on Nextdoor and watching and responding to things a great deal of decisiveness was created by misunderstanding of what this subject was, what the origin was and what the intent was. There is a method for bringing these things forward into a public council discussion and that is what this item was about. The challenge on this is, after speaking with the head of the California Voting Right Project is that when you have a district that could potentially now or in the future have two votes on the council it reduces the ability of the underrepresented and minority voters to field and elect a locally supported mayor of their choice due to the inherent additional resources needed to mount a citywide campaign. So, it may in fact by doing this and continuing it, it may make us susceptible to future legal action. There's no reason to have not considered this. Support the idea of bringing this forward.

- David Brown – Responded to Ms. Pelot's comments and seems too eager to dispel the idea that this is just about a discussion about a new and interesting form of government. Fact is much of this has been an unfortunate personal shot Mayor Delgado. The mayor has won elections with between 60%-70% of the vote since 2012. From the perspective of several disgruntle members of a local political club they figured there was no way to get Mayor Delgado out of their unless we move to this kind of system. That's what much of this has been unfortunately and it looks to me that since it's not going to be supported by Council Member O'Connell that it will probably die.

Council Member Berkley asked legal counsel since we have to go into redistricting May 2021based on the 2020 Census, if at a later time we wanted to consider redirecting do we need to wait until 2030 Census or how does that work?

Mayor Pro-Tem Morton asked legal counsel if this wasn't on the 2020 ballot, what is the next ballot that this issue could be addressed? Do we have a timeframe from of decisions coming down from higher court?

Substitute Motion

DELGADO/URRUTIA: TO TAKE THIS ISSUE NO FURTHER. 3-2(Berkley, Morton)-0-0 Substitute Motion Passes by Roll Call Vote

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.
    c. Proclamation of Local Emergency Update

13. ADJOURNMENT: The meeting adjourned at 10:45 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor

Council Member Lisa Berkley's opening statement for
Agenda Item: 11e

Before we get into this agenda item, there are a few things that need clearing up.

First, I neither wrote nor submitted to City Staff what was stated as the April 21st Agenda.

All of my communications with the City Manager and City staff have revolved around the issues of districting and the possibility of moving from four to five districts with the intention of being sure that everyone has fair representation. I would appreciate it if the City Manager would publicly verify this.
Second, unfortunately, what was never conveyed to the public by either the City Manager or Mayor at the April 21st meeting was that the agenda item was removed from the agenda by me, because it did not convey my intention.

As many of us are aware, there has been a tremendous amount of public discussion about today's agenda item. While it is unfortunate many people have personalized this, making it about our current mayor rather than about governmental fair representation, it's fantastic to have such a high level of public engagement. Thank you to everyone who has taken the time to share their opinions via email, Facebook, and NextDoor.

I have heard it said that true democracy begins exactly where you wish it would not...indeed democracy is a messy process, especially as an elected. As an elected official, it is my job to embrace diverse opinions and thoughts and to ultimately do my best to represent the people, being sure that everyone has a voice. It is for this reason that I have brought to council, tonight's agenda item 11e - a discussion about putting on a future agenda something that both the mayor and council value, that is: within the context of districts, everyone has a voice. It is my hope that at the end of tonight's discussion we, as council, agree to honor what we all value and move this item to step two, where it is placed on a future council agenda for further discussion which will include a full staff report.

As we consider this, there are four things we need to keep in mind: districting, our municipal form of governance, timing and financial resources.

Districting.
As many of you may recall, back in October 2019, in order to avoid what was perceived as an insurmountable lawsuit, we chose to move into districts.

These districts were created by a professional demographer who had: no political allegiance to, connection with, or incentive from, either the mayor or any council member. Like many districts, they are unusually shaped and are comprised of Census blocks and tracks—meaning predetermined units of demographic measurement, in this case, determined by the 2010 Census.

Needless to say, the 2010 census does not reflect the current make up of our city; We have grown tremendously since then. As a result, we are required to re-district based on the 2020 Census. This will occur in May of 2021. Please keep that date in mind.

The purpose of this lawsuit was to ensure that Marina's council is made up of representatives who best reflect our demographics and regions within our city and to be sure that each resident has a fair vote, a voice. With a 4-district representation, and Mayor at large, that means that there will always be a district that has two representatives from it, which goes against the intention of the California Voting Rights Act. However, in a five-district scenario, each district will have its own

representative there by being further in alignment with the spirit and intention of moving to districts in the first place, providing fair and equal representation for all.

Marina Municipal Form of Government.
We are not a Strong Mayor form of government. We are a Council-City Manager form of government. That means that every council member, including the mayor has one equal vote and all decisions are made by the majority vote of council which is where the city manager receives his or her direction. The role of the mayor is ministerial and ceremonial—he or she has three jobs: 1. be the face of the city at public events; 2. sign official documents that have been approved by the council; and 3. facilitate public meetings. That's it.

If we choose to continue this discussion at a future council meeting one of the issues that will have to be discussed is how we select our mayor—will it be a rotation by district? Will council select the mayor by voting? For how long will she or he be in that position? There are many options to be discussed which would be included in the future staff report and provide the opportunity for the public to weigh in with their thoughts and possibilities.

Timing & Financial Resources.
As I already mentioned, we will be redistricting based upon the 2020 Census in May of 2021. This will cost the city thousands of dollars. If we are committed to fair, equal, and just representation, it is important we discuss this now. If we only want to redistrict once and give the residents of Marina a voice on this subject through public participation and voting on the ballot, the ballot measure has to be completed and submitted to the County Elections Department by August 7. This means we have to go through all of the Municipal Due Process beginning now.

Understanding is crucial here. We got cornered by this districting process - put into a position that no one in our city wanted. The voice of the people and of leadership was taken away. What is ultimately being proposed is a way to empower our people, for our residents to have their voice back thorough equal representation on the ballot.

So, for these reasons, I hope we will move this forward for further discussion.