



MINUTES

Tuesday, June 2, 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/>

PARTICIPATION

You may participate in the City Council meeting in real-time by calling Zoom Meeting via the weblink and phone number provided at the top of this agenda. Instructions on how to access, view and participate in remote meetings are provided by visiting the City's home page at <https://cityofmarina.org/>. Attendees can make oral comments during the meeting by using the "Raise Your Hand" feature in the webinar or by pressing *9 on your telephone keypad if joining by phone only. If you are unable to participate in real-time, you may email to marina@cityofmarina.org with the subject line "Public Comment Item#__" (insert the item number relevant to your comment) or "Public Comment – Non Agenda Item." Comments will be reviewed and distributed before the meeting if received by 5:00 p.m. on the day of the meeting. All comments received will become part of the record. Council will have the option to modify their action on items based on comments received.

AGENDA MATERIALS

Agenda materials, staff reports and background information related to regular agenda items are available on the City of Marina's website www.cityofmarina.org. Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet will be made available on the City of Marina website www.cityofmarina.org subject to City staff's ability to post the documents before the meeting

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, two cases of existing litigation pursuant to paragraph (1) of subdivision (d) of CA Govt. Code Section 54956.9: City of Marina and Marina Groundwater Sustainability Agency v. County of Monterey, Monterey County Board of Supervisors, County of Monterey Groundwaters Sustainability Agency, California Department of Water Resources (DWR), and Director Karla Nemeth in her official capacity; Monterey County Superior Court Case No. 19CV005270; (2) City of Marina v. RMC Lonestar, RMC Pacific Materials, LLC, California American Water Company; Marina Coast Water District and Monterey County Water Resources Agency real parties in interest; Monterey County Superior Court Case No. 20CV001387.
- b. b. Conference with Legal Counsel, anticipated litigation – significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of CA Govt. Code Section 54956..9: three potential cases.
- c. 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

6:50 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

Robert Rathie reported out Closed Session: The Council met earlier this evening in a special meeting for closed session; the council then adjourned the special meeting and convened the regular meeting and returned to closed session to consider those items on the agenda for the regular meeting. The council did consider all the items on the agenda for tonight which was two items of existing litigation and two items under potential exposure of litigation and an item under real property negotiations. There was information provided, direction given and no reportable action was taken.

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

5. SPECIAL PRESENTATIONS:

- a Samuel (Sam) Minorini Retirement Proclamation
- 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 – At the last council meeting Grace Silva-Santella asked about childcare for people expecting to go back to work. Appreciates the Mayor signing on the Jane Parker's Hot Topic yesterday and there was good discussion with Francine Ron, Executive Director of First Five, which focus's on childcare. Some of the points which I hope if people want to follow up they could contact Bruce who may have more information from that meeting. It was mentioned that over half the kids in Monterey County are going what they're calling toxic stress and facing adversity due to the pandemic. There is paid family leave made available by Governor Newsome now. There is a Monterey County Behavioral Health website with lots of contacts that are underutilized with workshops. MPUSD will be doing something this summer to be announced, County Library Food distribution once a week. If you type in Bright Beginnings has a lot of information, emergency childcare, Covina information and resources for parents.
 - Karen Anderson – Speaking tonight to our local law enforcement members. As a former L.E.O. wife who spouse worked in the most active jurisdiction in the state for demonstrations, protests, riots and incidents which often lead to good changes and also as a person whose professional career was regulated at that state and federal levels; and among who was a code of ethics called behavior. I was often placed in the position by my superiors to choose to do what I knew was right over their preferences. It was worth the years of scorn to them to complete a career where I knew I had behaved contentiously, towards my patients and my rank and filed coworkers. So, this is my message: "Round yourselves in the knowledge of ethical and contentious policing. Hope is deep in your hearts so that in the heat of difficult situations making the right choice will be the easy choice." I say this knowing that our police force has done an admirable job and not from the knowledge of... [inaudible]. I also say this to extort each of us to do the right thing whether or not anyone is looking.
 - Dr. Karen Hassan – Wishes she was coming before council this evening to tell them about all the exciting things that are happening out at the Marina Equestrian Center Park and the Fort Ord Station Veterinarian Hospital/Museum but I'm here to plead with the city council to hold the Marina Equestrian Association accountable to the operating agreement they have with the city. There is a list of violations that directly impact horse health and safety. These are hazards that not only can affect horses but humans as well. This is not about fancy fixes and upscale things, this is just basic common horse health, care and safety and management. My actions to bring these to light at the Marina Equestrian Center are resulted in direct retaliatory targeting of me personally and specifically rather than addressing the hazards that I have been trying to remedy since I got there almost a year ago. I feel that Terry Siegrist and the staff of parks and rec I see do great things every time I see a council meeting I see the great things they're doing for the community and the kids of Marina and I wonder why the bar is so low for the Equestrian Center. It could and should be so much more. I'm before you this evening pleading

for you to hold them accountable to their operating agreement and to be accountable to their obligations.

- Nan Dillon – While I’m ok with our police department I just hope that in light of the recent protests that our police department has been training in conflict resolution and conflict de-escalation.
- Debby B – Asked Council to please make sure for next year on Labor Day, Veterans Day and all the other holidays that the flags are put out on the medians. The flags have been missed the last two-years.
- John Kasa – Live at Junsay Oaks apartments and thanked everyone who was involved. They are great apartments. Calling today to ask the city council to condemn the use of force against peaceful protesters at Lafayette Park yesterday. In my 70-years on this planet I have never seen anything as outrageous as this. The justice department had said that Attorney General Barr ordered the clearing. We depend on tourism. All those motels on Reservation Road rely on international and local tourism. This city council can start the ball rolling and adopt a proclamation or resolution stating “we condemn this action by President of the United States in suppressing free speech”. This is an outrageous attack on our First Amendment rights.
- John Gaygan – The traffic light in front of Denny’s at Reservation Road and Cardoza usually works with the traffic sensors and lately, the last couple of days it has not been doing that and have been getting big backups of traffic over there.
- Brian McCarthy – Many of us in Marina are hurting tonight, many black people in Marina have been hurting for a long time. The current state of affairs is complexed and it deals with racism and fear of mistrust of police by people of color. Warranted or not the majority of people are somewhat afraid of the police. Studies show that foreign-born people if victim of a crime would rather tell their church or community leaders than a law enforcement officer; 63% of black Americans nationwide go to bed at night worried that police will use deadly force on men or a family member. Over a year ago I came before and spoke about the possibility of mechanisms that might help alleviate fear and help build community trust not only among the community and police but also amongst us individuals within the community. Tonight, I want to implore the council to consider this and other ideas that help forge strong relationships along race lines. Our second annual City of Marina Multicultural event was supposed to be held this last weekend as a celebration of our diversity and inclusion and we must double down and continue to invest in these types of community building events. It often takes forward action to achieve superior results. Please think often about how you can encourage our community to come together and think boldly but most importantly act decisively.
- Cristina Medina Dirksen – Our community must denounce violence on our brothers and sisters of color. As the 8th most diverse city in California we can use our collective voices to effect change. I welcome and request further dialog on the city level. Last evening, I was deeply moved by Police Chief Nieto and Police Commander Anderson in the townhall meeting who shared their deeply personal feelings of sheer disgust and sadness for the death of Mr. Floyd. Commander Anderson pledge it could never happen here in Marina. I want to believe him, but we cannot be safe in our bubble. We must continue to walk the bold path and call out racism, never accept it. Thank you for giving us this space and if we can affect change together on a city level the hardest thing to do is face the enemy which is racism. Today, I was lucky enough to be on a call with Clarence Jones the speech writer for Martin Luther King who credited in some part for writing the I Have A Dream speech. I was really set by his somber tone that this is bound to happen. Institutional changes need to happen, and I pledge that we must move

together and face on those challenges. He also shared that it starts with us. It starts at home. It starts with our community.

- Elizabeth Billingsley – Disappointed today. Went to purchase gift cards for the students who won the Essay Contest at Target and they were closed. Understands with all the things going on it's terrible that people have to be so frustrated that they rob and loot and break into places but that is no way to protest. That doesn't do anything and it's not going to bring that person back. I feel very sorry for the family of Mr. Floyd. Hopes that never happens in our city but we're still suffering because Target was closed.
- Council Member O'Connell – Stated he would start working with the attorney's office on preparing the requested proclamation.
- Mayor Delgado – Held a Townhall meeting last night and Commander Anderson and Chief Nieto both expressed concern about people, especially those people who have children of color and what they can tell their children of color and what children of color must know on how to stay out of trouble with police, that people who are not of color don't have to know and how they are worried about children of color but also they are worried about all of the public across the nation. They pledged that this will not happen in Marina and I know they will do their best in that regard. Our sympathies go out to the Floyd family and community that been affected by what happened on May 25th and what's happened since then across the nation. Shout out to Marina High School graduates. Shout out to the Marina Foundation and others for giving for the 12th week of food distribution.
- Council Member Urrutia – Had the occasion to email our Police Chief and thank her for her comments. My question to her was: What can we as Council Members do as the legislative body to take steps to try to ensure that Marina continues to be a city that doesn't have a tragedy like this happen within our city? One thing that she mentioned is that police officers can undergo implicit bias training and I don't know if a 2-hour or 4-hours implicit bias training could actually overcome any implicit bias that a person might have but she did say that if we would like the police department to undergo that training that as we're going through our budget process we should specifically call out funding for that type of training to make sure that something that happens. As we're going into the process of our city's budget it a good opportunity to look at what steps we can take as a legislative body to try and preserve our police department as an agency that doesn't have a reputation for police shootings or violence against minorities.
- Council Member Berkley – Appreciates Mayor comments about the racism and implicit bias and the issue about white privilege that we don't always see. In fact, pretty much anyone who is part of our system has it in some degree. With that in mind, at the end of the month there will be a series of conversations and trainings open to the public for free about addressing areas of white privilege and adjusting systemic bias and so at our next council meeting I will be giving a list of what those agencies are that are doing it because it's in creditably helpful and we really get to use this time as an opportunity to heal as a community and grow. Thank you everybody that's done work on this and thank you Chief Nieto and the police force for all that you're doing.

Mayor Delgado requested that agenda item 11a be moved to the Consent Agenda for early approval

MORTON/BERKLEY: TO ADD AGENDA ITEM 11a TO THE CONSENT AGENDA FOR A RATIFICATION VOTE. 5-0-0-0 Motion Passes by Roll Call Vote

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 95090-95171, totaling \$1,523,763.49
Accounts Payable Successor Agency Check Number 47-48, totaling \$11,937.50
Wire Transfers from Checking & Payroll for April 2020 totaling: \$578,596.11
 - b. MINUTES:
 - (1) May 19, 2020, 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. 2020-55**, approving estimated cost for service for calendar year 2020, Fourth of July activities and; setting cost recovery surcharge at six and three quarters (6.75%) percent for calendar year 2020 pursuant to Marina Municipal Code Section 15.32.580.
 - (2) City Council consider adopting **Resolution No. 2020-56**, authorizing the Mayor to sign a letter of support on behalf of the City Council supporting SB1 State Route 156 Grant Submission by Transportation Agency for Monterey County (TAMC).
 - (3) City Council consider adopting **Resolution No. 2020-57**, waiving the competitive bid process for fencing installation at the Arts Village Building; and finding that the bidding process performed by the Transportation Agency for Monterey County (TAMC) justifies waiving competitive bidding requirements; and accordingly, adopt finding that further competitive bidding would be unavailing, would not produce an advantage, and would not be in the public interest in view of the process followed by TAMC; and accordingly designating A1 Fence, Inc. of San Jose, CA as the City's fencing contractor for the Arts Village Fencing Project.

- (4) City Council consider adopting **Resolution No. 2020-58**, authorizing application for, and receipt of, Local Government Planning Support Grant Program Funds to support the Environmental Impact Report for the Downtown Vitalization Specific Plan with any remaining funds to be used toward General Plan Phase One updates or the adoption of an ordinance regulating accessory dwelling units.
- (5) City Council consider adopting **Resolution No. 2020-59**, confirming the City Manager/Director of Emergency Services' issuance of a Second Supplement to the Proclamation of a Local Emergency temporarily suspending until July 31, 2020, the authority of any landlord to commence evictions on any residential (including mobile homes and mobile home lots) or commercial property within the City due to the tenant's nonpayment of rent or a foreclosure arising out of a documented substantial decrease in household or business income caused by the COVID-19 pandemic or the governmental response thereto. ***Item moved from Other Action, was 11a***
- g. APPROVAL OF AGREEMENTS: None
- 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):
 - (1) City Council to waive read by title only and waive reading in full and to consider second reading and approval of **Ordinance 2020-02**, amending Section 10.60.010 "Speed Limits Established" of Chapter 10.60 "Speed Limits" of Title 10 "Vehicles and Traffic" to adopt *prima facie* speed limits pursuant to an engineering and traffic survey and the California Vehicle Code (CVC).
- m. APPROVE APPOINTMENTS: None

Council Member Berkley had quick questions for agenda items 8f(1) and 8f(4)

8f(1) = Are we having or allowing 4th of July fireworks and gatherings?

8f(4) = Pg2 of the staff report the analysis is expected to be \$40,000 but we're asking for \$150,000 that there will be another two projects that would be included in this. It says we have to pay upfront and be reimbursed: (1) What are the other two grants that we're considering? (2) if we don't need all the money does it stay with the state? (3) Is there any way that we would not be reimbursed for what we lay out?

DELGADO/BERKLEY: TO APPROVE THE CONSENT AGENDA. 5-0-0-0 Motion Passes by Roll Call Vote

8l(1)

MAYOR DELGADO REOPENED THE CONSENT AGENDA FOR THE SOLE PURPOSED OF DOING A ROLL CALL VOTE FOR AGENDA ITEM 8l(1). 5-0-0-0 Motion Passes by Roll Call Vote

9. PUBLIC HEARINGS:

- a. City Council open public hearing, take any testimony from the public and consider adopting **Resolution No. 2020-60**, confirming diagram, assessment and ordering levy of \$180.78 for FY 2020-21 assessment for Cypress Cove II Landscape Maintenance Assessment District, and; authorizing City Clerk to file certified copy of diagram and assessment with the Monterey County Auditor-Controller prior to August 3, 2020.

Council Questions: Weekly maintenance and maintenance during Covid-19: did we get a reduction in the amount of money that went to the contractor for the period of time when there was not landscape services and thus freeing up money to go towards long-term or neglected items that we need to address? Whose idea was it to discuss a possible 218 election? Why year after year for the past 12-years there is an annual concern about the landscaping and retaining wall and not enough done with the money spent? Where do we go from here to get out of this annual cycle?

Mayor opened the public hearing for comments:

- Dan Amadeo – Since 2018 we lost a lot of trees during that windstorm and nothing has been replanted. No irrigation has been replaced so that any new trees that are going to be replanted can we get at least a drip system? Noticed that the New Image Landscaping has been around and did some work. Knocked out some trees, which by the way why did the city pay for that? Shouldn't the Comcast lines or whoever owns those communication lines pay for that? New Image also knocked out some of the dead brush around the district perc pond area, who paid for that? New Image also cut down some of the tall grass but did not remove the trimmings, why? We are being inodiated with moles, ground squirrels and everything else and they're undermining some of the retaining walls, undermining everything. We do not generate enough revenue for the landscape district to pay for what needs to be done. One of the biggest things that needs to be done and has yet to be done is limbing up some of the trees along Abdy Way. The large tree trimming hasn't been done for years. We have sent emails and not sure what else to say. In terms of a 218 Election, recognize under the current circumstances with Covid-19 and the loss of jobs there is no way a 218 election is going to pass anywhere in the city right now. Where are we spending our money? What are we paying for? The work that is being done is substandard. We spent thousands of dollars on the entrance to the neighborhood and it's all dead and dying.
- Nancy Amadeo – Have commented before about the tress along Abdy and Beach Road. If you look along Cardoza, which is where most people look when they think of our district, those trees have been limbed up, the dead trees for the most part have been pulled out and periodically they go through with a weed whacker and cut down the dry grass but again that's what they're doing. The sidewalk that was lifted, where they removed a cypress tree on Coral Court there have been complaints about that tree and sidewalk for 4-years. One of the neighbors there passed away over a year ago and they've gone to the city and said whose suppose to take of this? It finally got done because now it involved a utility. The fencing along Abdy is falling down and a hazard and need to be removed. Our trees to prune them to make them safe cost about \$1,000 each. For the council to be told that if a 218 election doesn't work that the council could just dissolve the district that means you're leaving it up to a few homeowners who have trees behind their house, we have two that now it's up to us to spend \$2,000 after paying in for over 30-yeras to have nothing done. When the retaining walls eventually fail it will be up to the homeowners to take care of it. It's saying "it's really not our problem, it's the homeowner's problem. They need to take care of this, they need to get people to vote for the 218 election. Who's going to vote to spend more money when the money they've already spent has done nothing but provide for substandard care?

Mayor closed the public hearing.

DELGADO/URRUTIA: TO ADOPT RESOLUTION NO. 2020-60, CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING LEVY OF \$180.78 FOR FY 2020-21 ASSESSMENT FOR CYPRESS COVE II LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, AND; AUTHORIZING CITY CLERK TO FILE CERTIFIED COPY OF DIAGRAM AND ASSESSMENT WITH THE MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO AUGUST 3, 2020. 5-0-0-0 Motion Passes by Roll Call Vote

- b. City Council open public hearing, take any testimony from the public and consider adopting **Resolution No. 2020-61**, confirming diagram, assessment and ordering levy of \$182.42 for FY 2020-21 assessment for Seabreeze Landscape Maintenance Assessment District, and; authorizing City Clerk to file certified copy of diagram and assessment with the Monterey County Auditor-Controller prior to August 3, 2020.

Council Questions: None

Mayor opened the public hearing for comments: None received

Mayor closed the public hearing

DELGADO/URRUTIA: TO ADOPT RESOLUTION NO. 2020-61, CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING LEVY OF \$182.42 FOR FY 2020-21 ASSESSMENT FOR SEABREEZE LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, AND; AUTHORIZING CITY CLERK TO FILE CERTIFIED COPY OF DIAGRAM AND ASSESSMENT WITH THE MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO AUGUST 3, 2020. 5-0-0-0 Motion Passes by Roll Call Vote

- c. City council open public hearing, take any testimony from the public and consider adopting **Resolution No. 2020-62**, confirming diagram, assessment and ordering levy of \$77.14 for FY 2020-21 Assessment for Monterey Bay Estates Lighting & Landscape Maintenance Assessment District, and; authorizing city clerk to file certified copy of diagram and assessment with the Monterey County Auditor-Controller prior to August 3, 2020.

Mayor Pro-Tem Morton recused herself from this matter due to residing in Monterey Bay Estates.

Council Questions: if there's no change as mentioned but there is an increase in proposed expenses of \$6,000 can you speak to that? Is staff considering Mr. Owen's suggestion of replacing the trees with 1-gallon size or 3-gallon size trees versus 15-gallon size trees? Has staff sought the help of residential volunteers and would it have merit?

Mayor opened the public hearing for comments:

- Mike Owen – I support the resolution. Haven't heard of any complaints and happy that most of the long-standing bushes have been removed. Our concerns about excessive rimming of the Indian Hawthorn bush has been addressed by staff. In 2015 the 218 referendum was decisively voted down and it was put on the ballot because of the need to increase the rates to pay for the irrigation system which was discontinued since there wasn't money to do it and there was a case made that

we didn't need it. The landscaping has done well since then, so I really question the need for having the irrigation system operating costs come up again but the additional costs to repair it to bring it up to standards. I mentioned Coast Live Oaks and the example, in my side yard we have to Coast Live Oaks that were planted by blue jays a number of years ago and they're doing well. At the corner of Windy Hill Park there is now an established oak grove that were planted by blue jays with no irrigation. So, I don't know what the mindset of the city is that sort of like expects that they need an irrigation system to plant larger trees for visual impact to end up with situations additional costs and effects that go along with that. If the city had a description that for all sorts of reasons that I can provide you with some narrative from coordinating with the Tree & garden Club and the Tree Committee that they were planting small seedlings or maybe 1-gallon sizes as an attempt to preserve water or preserving the environment for sustainable growth as an exercise I could put that on the Next Door site. There are individuals that are already doing their own trimming along the assessment district and have been doing so for a long time. I don't know why this couldn't be done over at Cypress Cove. You don't need to do an irrigation system for new plantings because if they don't workout replace is like a couple of dollars for seedlings.

- Grace Silva-Santella – Asked if it was \$6,000 to remove four Mya Porum Trees, upgrade the irrigation and plant replacement trees? Thinks city should be provided a breakdown of that cost. The Marina Tree & Garden Club just paid \$150.00 for three 5-gallon Tryst Anya Trees, gopher baskets and soil amendment that were planted on the corner of Vista Del Camino and Martin Circle and they were planted by the homeowner and one of our garden club members. \$7,000 just seems a little crazy there so, if you could get a breakdown on that... and I'm in total agreement with Mike you need to find some nice little small trees that are going to adapt themselves quickly and are not going to need a tremendous amount of care or not become strong on their own.

Mayor closed the public hearing

BERKLEY/DELGADO: TO ADOPT RESOLUTION NO. 2020-62, CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING LEVY OF \$77.14 FOR FY 2020-21 ASSESSMENT FOR MONTEREY BAY ESTATES LIGHTING & LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, AND; AUTHORIZING CITY CLERK TO FILE CERTIFIED COPY OF DIAGRAM AND ASSESSMENT WITH THE MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO AUGUST 3, 2020. 4-0-0-0 Motion Passes by Roll Call Vote

- d. City Council of the City of Marina Open a Public Hearing, Take Public Testimony, and Consider Planning Commission Recommendation Applications for Conditional Use Permits to Operate Combined Adult-Use and Medical Commercial Cannabis Dispensaries at 3016, 3100, 3112-3114, and 3170 Del Monte Blvd. and 234-242 Reservation Road (Exempt from CEQA per Section 15301). Resolutions 2020-62-66

Christy Hopper, Planning Services Manager presented the staff report on the five applicants Conditional Use Permits to Operate Combined Adult-Use and Medical Commercial Cannabis Dispensaries.

Robert Rathie, Assistant City Attorney – Read the following statement into the record

This is a quasi-judicial matter which required the application of rules and standards to the individual applications. As such, the applicants are entitled to due process, that is, a fair hearing before an impartial body free from arbitrary procedures and bias.

It would be appropriate at this time for any Council members to disclose any conflicts of interest, bias, ex parte contacts or site visits, and to inquire whether anyone in the audience objects to any of the Council members hearing these applications.

The noticed public hearing to be opened before the Marina City Council is to hear from the public and to consider presentations by staff and the applicants for Cannabis Conditional Use Permits to operate combined adult-use and medical commercial cannabis dispensaries at certain locations in the City, to allow the Council to ask questions and develop a record in reaching your decision on whether to grant up to three combined adult-use/medical permits to operate cannabis dispensaries in the City.

On May 14, the Marina Planning Commission took public comment and recommended approval of the applications.

The substantive criteria upon which the applications will be decided are found within Title 19 Commercial Cannabis Activities and other sections of the Municipal Code, the Applications themselves, the scoring conducted by the City's expert consultant and the presentations by the applicants. All testimony, public and Council comments and evidence presented should be directed to criteria which the speaker believes applies to the decision.

The Council's decision in each case must be supported by relevant findings based upon substantial evidence. Findings have often been described as bridging the analytical gap between the evidence and the decision.

The failure of anyone to raise an issue accompanied by statements or evidence sufficient to afford the Council and the applicants an opportunity to respond to the issue may preclude an appeal based on that issue. The failure of an applicant to raise issues relating to proposed conditions of approval or disapproval with sufficient specificity to allow the city to respond to the issue may preclude an action for damages.

The Council may, at the request of a participant or on its own accord, continue the hearing or consideration of the matter to a date certain to provide an opportunity for persons to present and rebut new evidence, arguments or testimony related to the approval criteria.

Council Disclosures of any conflicts of interest, bias, ex parte contacts or site visits:

Mayor Delgado – no conflicts but had ex parte contact. Held a town hall meeting for the public and part of that meeting discussed tonight's subject matter of cannabis dispensary permits. Two of the people present and these individuals spoke and gave some input to that matter. These two individuals joined Liezbeth Visscher, Brian McCarthy, Mike Kennedy and Debbie B I don't know Debbie's last name and the two individuals were Tony Raffoul and Wes Clark who are part of the teams or two different applicants tonight and the content discussed included the 1,000-foot requirement distance between two cannabis dispensaries; the value of community support; the consideration of scoring and the potential to flip a coin or other objective fair way that's rather random to decide who gets a permit if there is no other way to distinguish between the approved applicants. There was some discussion on a tire shop in Soledad that was lost to a cannabis dispensary that moved in; and other "mom and pops" such as that in the city of Gonzales that were lost with a cannabis dispensary moved in. Those were the theme of discussion that I had in an ex parte contact scenario last night during my Town Hall. I had a couple of discussions with Kathy Biala about her concern about the impact to local businesses as was such as was the content to many of the letters we receive via email and that are an official part of this record, in particular Michi's Japanese Restaurant on Del Monte Blvd. On the same property as Michi's Steve Mast the owner of the shopping center sent a letter to all council telling his version of what has happened in the lease agreement between Michi's as a tenant and the owner Steve Mast as the landlord. There's a lot of detail on both of those. I received an email from the family of the owners of Michi's Restaurant again outlining their version, their perspective on the relationship between the tenant and the landlord. So, I've had a lot of information about Michi's Restaurant; and all of us has

gotten a lot of letters and emails provided from the city or individually via email of the potential loss of Michi's Japanese Restaurant.

Council Member Berkley – I had a meeting a few months back with Cesar Lara of the ALCIO Union and Pete Materino of the UCW5 Union and it was just to listen to their perspective on having people working in the cannabis industry unionized. Other than that, I've also spoken with our police chief on security. Aside from all the letters we received I did have a conversation a long time ago with Tony Raffoul who is one of the applicants this evening and originally he was going to do a manufacturing business and in light of that I had called him to find out why or what happened and why he was withdrawing his application.

Council Member O'Connell – I have had no contact with any of the applicants and to my knowledge I've had no contact with anyone other than voters in the city and residents of the city who sent me emails relating to their position and I read the same and my own personal research.

Mayor Pro-Tem Morton – I've had no communication with any of the applicants. I have received numerous emails from people that reside in the city of Marina with comment, many of which was forwarded to use by Anita Shepherd-Sharp our court clerk.

Council Member Urrutia – I've had no ex parte communications with any of the applicants before this application process started. I've had casual conversations with Tony Raffoul, Wes Clark and I think some of the applicants from Marina Trading Co. in the parking lot after city council meetings but never discussed specifics about any applications because at the time of those conversations there were no applications.

Council Questions: Can staff confirm if the applicant for 3170 Del Monte Blvd. permit has offered to relocate the owner of Diva's? Can you go into detail about that lower score? You gave the categories that lead to the lower score, but can you give any specifics? On page 8 of the staff - Planning Commission Recommendation of May 14, 2020, #4 was it the understanding of the Planning Commission that federal law does not now prohibit or were they aware that it does prohibit marijuana dispensaries, federally? Was there any discussion relating to what they meant other than what's mentioned in this little paragraph as to federal enforcement priorities? Does anyone know the status of a Bill submitted by US Senator Harris relating to legalizing marijuana federally? The enforcement is one thing, but the actual existence of the law has not changed and is still prohibited as far as we know under federal law? Can we use random chance objective means such as flipping a coin to pick between applicants that are tied and whether or not we can use subjective reasons for deciding between applicants and what subjective reasons are allowed?

9:59 pm

Delgado/:to continue this meeting to 10:30 pm

Substitute Motion

MORTON/DELGADO: TO CONTINUE MEETING TO 10:10. 4-1(O'Connell)-0 Motion Passes by Roll Call Vote

Public Comment on extending meeting

- Kathy Biala – Objects substitute motion because people want to speak and to delay this and not have them be able to say anything, I think is... I understand we're not going to get to it all today but at least you can some public comments so they wouldn't have waited in vain for all these hours.

- Paula Pelot – Supports motion and understand what Kathy was speaking about however, I think for council to even begin to get through the questions we could be here until midnight before we even got to the public speaking. So, I would rather see everyone come back a little more rested, with a little more information and so I would support the motion so that at least you, the mayor and a couple of other questions can get asked and then we can get rested up, come back more refreshed with better information.

DELGADO/O'CONNELL: TO OPEN THE PUBLIC HEARING IN ORDER TO ADJOURN IT TO CONTINUE THIS REGULAR MEETING ON WEDNESDAY, JUNE 10, 2020 AT 6:00 P.M. 5-0-0-0 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).

- a. ~~City Council consider adopting Resolution No. 2020-67, confirming the City Manager/Director of Emergency Services' issuance of a Second Supplement to the Proclamation of a Local Emergency temporarily suspending until July 31, 2020, the authority of any landlord to commence evictions on any residential (including mobile homes and mobile home lots) or commercial property within the City due to the tenant's nonpayment of rent or a foreclosure arising out of a documented substantial decrease in household or business income caused by the COVID-19 pandemic or the governmental response thereto. **Item moved to Consent Agenda**~~
- b. ~~COVID-19 Update and Direction from Council~~
 - i. ~~Adopting Resolution No. 2020, revising the loan program for residents and businesses of the city in response to the Covid-19 pandemic, vesting discretion in the City Manager, City Finance Director and City Attorney to make required changes to the program guidelines necessary to implement and administer the program, authorizing the City Manager to execute any agreements and promissory notes necessary to implement the program, and authorizing the Finance Director to make necessary accounting and budgetary entries.~~
 - ii. ~~City Council consider adopting Resolution No. 2020, authorizing an abatement of Business License penalties until October 2020 and offering to waive past penalties for unregistered businesses which register and pay their past due taxes by October 31, 2020.~~
 - iii. ~~County & State Guidelines~~
 - iv. ~~Outdoor Dining Standards~~
 - v. ~~Other Impacts~~

~~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 10:15 to Wednesday, June 10, 2020 at 6:00 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor