



MINUTES

Wednesday, June 10, 2020

6:00 P.M. Open Session

**ADJOURNED 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~~

~~6:00 PM — RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION~~

~~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.~~

- ~~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, 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, 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, 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, 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.~~

~~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 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~~

~~9. PUBLIC HEARINGS:~~

~~a. City Council open public hearing, take any testimony from the public and consider adopting Resolution No. 2020 , 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 1, 2020.~~

~~b. City Council open public hearing, take any testimony from the public and consider adopting Resolution No. 2020 , 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 1, 2020.~~

~~c. City council open public hearing, take any testimony from the public and consider adopting Resolution No. 2020 , 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 1, 2020.~~

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).

Council provided further disclosures:

Mayor Pro-Tem Morton: drove by the sites since the last meeting. Only communications are public emails which came through our city clerk

Mayor Delgado: Nothing new to report

Council Member Urrutia: Nothing to report

Council Member Berkley: Nothing to report

Council Member O'Connell: Nothing to report

Robert Rathie, Assistant City Attorney – Based upon the emails I think it would be appropriate now to state that I know there has been a great deal of concern and interest expressed in the community about displacement of businesses and business displacement in this context for this matter is not a factor the council can use as part of its criteria in making a decision to grant or to deny a use permit to any of the applicants tonight. Part of the application process, all the applicants were required to secure commitments from their “landlords” and all of them were able to do that satisfactory. That was taken care of in the application process.

Mayor asked Assistant City Attorney: So, it would not be appropriate from a legal standpoint for us to use business displacement to grant or deny an applicant tonight? Is there any other information such as matrix information or anything else that we're going to introduce into the record tonight?

Robert Rathie, Assistant City Attorney – Based on the emails tonight I think it would be appropriate now to state that I know there has been a great deal of concern and interest expressed in the community about the displacement of businesses and business displacement in this context for this matter is not a factor that the council can use as part of its criteria in making a decision to grant or to deny a use permit to any of the applicants tonight. Part of the application process all the applicants were required to secure commitments from their in some cases landlords, most cases landlords and all of them were able to do that satisfactory. So, that was taken care of in the application process.

Council Questions to Staff: With the improvements at the gas station/Higher Level such as sidewalk, landscape, gutter would those connect in staff's opinion to any future Del Monte Avenue extension projects or any other projects in that vicinity or would they not be compatible? Regarding Stiiizy presentation where they committed to hire 100% locally, what is the definition of locally? Is it within 5-miles or what it based on the criteria of Marina resident? How did that compare to the other applicants? Non-Profit Criteria - Was there a scoring rating as to nonprofits that were based in the city of Marina benefiting local Marina versus county-wide non-profits? Safety Plans – Are there any other considerations that council should be looking at for the general welfare and health of our community that were not within the scope of that review? HdL Report, Statement on “current market on cannabis places on the Peninsula” – can you reference what report that was and share that statement for us and also the date of that statement? Since the date of that statement have the number of dispensaries been reduced in the community or increased? Would square-footage be something that we would need to consider in how many conditional use permits we issue? Do we normally deny or consider denying applicants for businesses because we think that the market might be different than they think the market is? if we have more applicants than slots, what would be the logic of denying more applicants than we need to because we think the market may not be as strong as the applicants think it is? Would it benefit in your opinion our Downtown if we were to approve some of these that have to improve their property with curb, gutter, landscaping, removal of gas station infrastructure, that they would make those improvements and then if they mis-interpreted the market and they were not to be a successful business and went out of business, would we be ahead of where we are today with those improvements and an empty business or would we be behind with an approved infrastructure and a vacant business or ahead of where we are now with occupied but no improvements? Given the three that would need substantial improvements are they consistent with the vision of our Downtown revitalization or are they inconsistent with it? If we required a specific plan and some other things that go along with it would any of these three would that likely delay them some significant amount of time and expense? And that has not been the direction to date from the time of the application until tonight? Were they given the indication that their submitted plans would be adequate as far as the planning department and planning commission were concerned? Mortimer's Location – feasibility of shared parking, does staff have concerns about the lack of determination as far as feasibility of shared parking and is that needed to make this project compliant with our parking requirements? Is the Mortimer's site actually big enough to cure the site for customer parking if they park their employees offsite?

How does planning staff look at that or is it an impossibility or a frustration of purpose there on that property? Does the parking behind the building serve as parking for all of the businesses on that lot? Would it solve their shared parking if they were able to get a contractual commitment from the Grange parking? Are all the applicants in compliance with what will be our Downtown Vitalization? Do we know when the Downtown Vitalization Plan is anticipated to be approved? Once they've met all the criteria prior to the approval of it, then once it's approved, they are not required to make any additional changes in compliance with the Downtown Vitalization Specific Plan, correct? The conditional use permits are for one year, correct? Does the one-year commence from the date they open their doors or date of approval? When does the one-year measure from? If there is a change in the general partner of a business is there a new application process or do you just vet them to make sure they are in compliance? What's the city's recourse if a cannabis retailer closes its doors after one-year and have not done or completed the required offsite improvements?

Council Questions to Applicants: Sal Palma, Higher Level – What Teamster Local did you sign a Labor Peace Agreement with? Who is your contact with at the Teamsters? General question to all applicants – is a Marina resident part of their Ownership Group? Would any of the developers be willing to commit in an agreement to pay prevailing wage to the construction labor that are doing their tenant improvements and or any offsite improvements?

Public Comments:

- Sal Cardinale – Owner of 3170 Del Monte Blvd. I've owned my property since 1978. Mr. Pecho, one of the representatives for the applicants, asked me if I had any debt or mortgage on the property. I then asked him why is having, or not having a mortgage on the property important? He told me if I had a loan on the property held by a federal bank, the bank will ultimately find out about cannabis tenants on their mortgaged properties. Federally backed lenders will protect their interests and will object to a cannabis tenant. I've been fortunate to be part of the Marina community leasing my property to small businesses over my 4 decades of ownership. The applicants have been very transparent with their plans with me, as well as with our residential and business neighbors, with a majority supporting the proposed use. The applicants early on even had the consideration and decency to offer relocation to the owner of the beauty salon, even though legally, they weren't required to do so. I have earned through my hard work and investment the distinction to make that decision by doing the right thing as good property owners do over the years, and a decision I hope the City Council and City Staff takes into consideration. From my understanding the applicants have reached an agreement with the beauty salon for relocation assistance allowing the owners to remain in the Marina community. Their transparent approach in dealings with the community and stakeholders in a considerate and collaborative approach. I think the choice is pretty clear. Thank you all and City Staff for your time and consideration on this important matter.
- Nan Dillon – Does not support any cannabis locations on Del Monte. It does not set tone there. There are a lot of problems with the buildings there and the parking. Likes the location for Element 7, they have a lot going for them. They have a nice building and parking. I think any other buildings that want to come in they might want to look at all the empty space that is down on Reservation right now because there is so much parking there.
- Sandy – Appreciates Mayor Delgado's concern that Marina may not be ready for all three conditional permits to be given all at once at this time. Having all three cannabis stores all at once will create a spike in crime and traffic that will be unprecedented. This will be against the voter's intent in allowing the cannabis industry to enter into the Marina market. Marina is a sleepy town with mainly families and retirees. Cannabis stores will attract nonresident customers who don't care about the wellbeing of our city and residents and especially with the budget cuts on the police

force I think it would be difficult to support one if not three cannabis stores. Strongly urged the council to just grant one if at all and see first if in the first year see how it does before renewing or granting any additional permits. This will put an intense burden on Marina resident's safety and wellbeing. I don't think this was the intent of the voters in allowing all three to come in all at once.

- Cesar Lara – Speaking up on behalf of three applicants, Pacific Roots, Element 7 and the Shryne Group. The three applicants I spoke about do have those labor peace agreements. The City Council should not be fooled. A good way to allow good jobs with a voice at work is to have a union shop. There are three applicants that meet that requirement and we ask the City Council to support it. Concerned about the presentations by those who said they had conversations with the Teamsters. To be open and transparent, I come from the Teamsters Union and called the president of the local Teamsters Union while this meeting was going on to check in and he said no one has talked to him and he's the local union for the Teamsters. Asked the council to uplift good jobs in Marina for the residents of Marina. The applicant that is moving into the Mortimer's building has reached out to me on the construction and I will continue to be working with them to make sure that it is a union construction that is done at that site. We understand that the Mortimer's location in particular in the Downtown plan is an area that needs to be improved on and that applicant has assured me and spoke about it that this is an important element to their work as well. Wants to make sure that the council doesn't get fooled and a good way to ensure good local jobs is to ensure that workers have a voice at work. One of the best ways to do that is with contract agreements.
- Daren Dillon – Liked all the applicant presentations, they were very well done. Thinks that of all the business proposals the bottom line is kind of what can it do for Marina? Tax base is one of them for consideration. All these businesses had walk-ins, some of them had distribution and I think you limited production. All of them cannot be in productions, correct? Of the applicants that gave presentations, Element 7 I liked. I liked Higher Level, and these are the order in which I liked them, Beyond Hello, Stiilzy, Pacific Roots. I would like to know, and I didn't get a good picture of the history of each one of these operations and how long they've been around that would kind of give you a better feel for how stable these are. In terms of Del Monte, coming into Marina I don't think it's a good idea to put a bunch of them in a row otherwise Marina would look.... Maybe not packing them in, maybe at opposite end of Del Monte might work. Element 7's location is a perfect spot.
- Rafael Garcia – The public was not well informed about the address for the commercial property to be used for the dispensary was Michi's. During the first rounds of scoring Marina Trading Company, the applicants that are seeking the Michi's location scored low on their security plan and later merged with another applicant with a higher score. There are three that had a perfect score and have committed to improving existing locations. Pacific Roots with their proposed dispensary at the Mortimer's location as it stands out will be improving parking, updating sidewalks and their investment in that building would be revitalizing, which has been needed for a long time. Higher Level of Care Marina, their dispensary proposed on Del Monte that location is valid as well and is in much need of revitalization. Element 7 Marina is proposing to attract other businesses by improving their storefront. Another important point is two of these three applicants have showed their commitment to the people of Marina by establishing their relationship with the local unions early on in the process, Pacific Roots and Element 7. Two of these three applicants have shown the commitment to the community by establishing a relationship with local union process and understand county counsel earlier comments regarding the council not basing their decision on the fact that businesses will be displaced and that criteria is not part of the planning process, however the people of this community have clearly spoken on the position of displacing current businesses.

- Gerry Taylor – 50% owner of the Mortimer’s complex. The parking regulation issues I’m sure if we had a chance to sit down with the city planning commission, we could solve the issues. Eliminating all the parking in the front would put the liquor store, the beauty shop, the flower shop, the design shop and the Mexican restaurant totally out of business. I don’t think the city wants to do that. If we had a chance to sit down with the planning commission, we could come up with a solution to the parking problem. There’s parking behind the building, the Motel has parking and I’m sure we could resolve all those issues with the parking. The complex has been by my family for over 30-years. It’s sad that the city would consider shutting down all of those businesses because of the parking but I think if we could sit down with the city, we could resolve the parking. I understand that backing out of a parking spot is not ideal, but those parking spaces have been backed out of for 30-years and I don’t know of any accidents that have happened. Believe there’s plenty of room behind those parking spaces to turn before you hit the street and get out of there. So, if we got a change I sure we could solve the parking issues with the city.
- Joey Espinoza, Pacific Roots Applicant – We will be supporting local nonprofits and community organizations in fact we have already contributed to several them. Working with local suppliers is a fundamental part of the business and being a local application, we have many connections to existing cannabis companies that will be able to supply our shelves. As permits for cultivation and manufacturing begin to open in Marina, we will be welcoming them with open arms to do our best to keep our local supply chain as local as possible. Two of our partners have existing operating dispensaries in southern California which gives our group experience operating a cannabis business. Wanted to reiterate that Pacific Roots scored in the top three, 35 points out of 38 before amending and became tied for first after combining applications. This is significant because HdL was the expertise hired by the City and they scored the application within the top three both times. I understand that displacing businesses may not be a formal judgement tool however, it was something we considered in choosing location and our commitment to significantly improving our site is a special benefit that will be good for the city for years to come. The situation with parking is one that existed before us and we are ready to partner with the city to fix this. I’m not sure how many businesses are capable of improving these existing issues, but we are and are happy to work with the city to be consistent with Marina’s vision of revitalization.
- Kathy Biala – At the May 14th Planning Commission meeting I discovered that the application for Marina Trading/Beyond Hello cannabis site was listed as only 3112 Del Monte Blvd. when in fact it would be a combined address of 3112 and 3114. 3114 is the Michi’s Restaurant. They had seen that on the agenda and with that omission they felt that their restaurant was not one of the ones to be displaced. That has since been corrected. I believe that this is an important public comment opportunity that was denied to them. Diva’s customers were able to come and write letters and speak before the Planning Commission and Michi’s was not. Our attorney just said in his opinion that the fact that the cannabis operation displacing a current business in an of itself be can’t be used as a criteria in choosing which of three of five equally qualified applicant for the permit. However, if we use the criteria of financial benefit for the city through city revenues this might be a different consideration. I would ask if the legal counsel sees this as an objective benefit for the general welfare of our city. Surely this can be seen as an objective not a subjective factor. I have been kind of tallying and listening to all the different issues that we might add as a criteria and these are the ones that I have been informally tallying. That we want to see union agreements; local ownership; most complete applications; compliance to the Downtown Vitalization; parking the front safety issues; contributions to general welfare without displacement of current businesses; hiring of local Marina residents; donations to Marina nonprofit organizations. If I tallied those criteria, I come up with Element 7, Higher Level of Care, and Stiizy. Now you have to decide first if you’re going to approve 1 or 2 or 3 cannabis permits.

- Yoshiko Matsushita-Arao – Speaking out against the removal of Michi’s Japanese Restaurant to make room for a cannabis dispensary. Michi’s has been at its current location for over a decade and it easily the best authentic Japanese restaurant on the entire Monterey Peninsula. My family and I frequent it several time a month and it’s a place where family and friends gather. We’ve had many important milestone celebrations held there include birthdays, anniversaries and graduations. The owners Mr. & Mrs. Michoka have done an excellent job with their restaurant and remodeled with they go so busy that they needed a larger space. My family and I were former residents of Marina and even after we moved away this restaurant bring us back to Marina. If you look at their reviews on Yelp, they’re one of the best restaurants you have. I strongly recommend that you allow them to stay at their current location.
- Kristen LaFollette – Would like to speak out in opposition of the proposed dispensary at 3112-3114 Del Mont Blvd. I am a long time Marina resident and an educator and am a patron of both existing businesses. I feel that these are unique long-standing establishments. Not only do they provide vibrancy to the community but their locations where customers form connections with the business owners and with each other. Importantly, Music Zone is the only dedicated music store in Marina. It’s individually owned and operated and has been open for many years and I know personally if they were to be displaced that they would close and not reopen. Both of these businesses deserve city support and not erasure. There are other vacant buildings where dispensaries could go and fill the void that the city needs. I urge the council to support these existing small businesses. I fear that they would not locate new spaces or be able to afford relation especially during the pandemic. I feel that the opportunities that these dispensaries present to the city should not come at the cost to the character of Marina itself.
- Kioko – Owner of Michi’s Restaurant expressed her concerns about having to leave the restaurant site after being there for so long. Due to health reasons was unable to renew a long-term lease with property owner and therefore went to a month-to-month agreement. Asked that she be allowed to continue her business at its current site.
- Makiko Saiga – Spoke on behalf of the owners of Michi’s Restaurant. We have never denied five-years long lease. Mr. Mast said denied but not true. Mr. Mast brought their rental agreement mentioning five-year lease we agreed that term but did not sign immediately because the contract did not allow them to transfer the lease. Before the expiration date of August 31, 2019, we visited Mr. Mast with my friend to postpone the due since my husband had a bad heart condition to consider the contract. I asked Mr. Mast to discuss details and renew the contract after his surgery date on September 3, 2019 and his recovery time. Mr. Mast told us to take care of your husband first and talk about this matter later. But after her husband’s surgery we had a meeting at the Michi’s Restaurant with our son and friend and they were very shocked that the contract switched to a month-to-month. In October 2019 men came to measure the restaurant and Mr. Mast did not mention anything about them belonging to a cannabis dispensary but we could imagine that they were related. Almost three weeks ago during the loan process a man asked me why we needed a loan when we are leaving? This is how the business owners found out that fact. Yesterday a man gave the owners a call as said Mr. Mast wants them out whether the cannabis applicant was approved or not. Please consider city’s approval not to our site. There are other empty places in Marina.
- Alex Miller – Watched Seaside go through their process on cannabis and it was a fascinating process. It went from allowing three to allowing six. I was opposed to that. I thought six was too much for a town of 35,000 people and I don’t want Marina to make that same mistake of having too many and too much act on the cannabis industry. I’ve listened to the business owners today and stand with the business owners. We have plenty of empty buildings around Marina that can be used instead of displacing good businesses and good restaurants. I would also like to point out that when the cannabis industry was opening in Seaside, they said they were going to hire locals, were

going to help the community, and every single one of them stood by their promise. I'm chair of the neighborhood commission for Seaside and we just gave an award to a cannabis shop for improving the building, for their benefits to Seaside. Marina has a lot of opportunity to open some unique businesses and hold them accountable to helping our community and I hope you guys make the right decision. Please don't have too many but we also need to support our businesses as well as the upcoming student body at CSUMB, that needs to be a factor as we incorporate them into some of our businesses and we're going to have a better economy in this part of the coast.

- Patrick Cherry – Really breaks his heart that a restaurant has to get moved out so they can put a pot store in. On the first location, the developer said they were going to take the gas pumps out, I hope the includes the undergrounds fuel cells/tanks because those are just leaking and going into the public water and if someone else wants to come along and take the property over in the future what's the city going to have to pay to do that because they went into some kind of agreement with this developer. It seems like this is a big business because just a few years ago vaping started off and so this is a big business. I think that the law enforcement should have a bigger choice of the locations because they're the ones that are going to have to make sure that everything is on the up and up. I don't know if you guys have a tie breaker system but I think that if you had some type of tie breaking system where you could do this on a video where you flip a coin so everybody would know that the final decision will not be determined by anything other than chance. I understand that this is a big business and it's wanted and needed. The Mortimer location looks like they're going to do the most for the community.
- Brian McCarthy – Submitted a letter for the record. Thinks this is an exciting time and likely one of more applicants is going to walk away with hopefully a viable business that serves our community and guests. Couple of items that was included in my letter was: question about the finding of public necessity and undo concentration in being too close to a park. There is only one location that is within 600 feet of a park and in fact it's within 600 feet of two parks. Commented on the administrative permit that might be required if manufacturing comes in for one of these locations. I hope that an administrative permit includes review by you as the council and or by the planning commission. I think that there are certain things that can't be encapsulated in the city's review process tonight when you're dealing with manufacturing. Signage - The ordinance very clearly says or prohibits anything that describes cannabis and I would hope that includes green crosses. I know the one business owner that has that green cross seemed very interested and I hope he's listening and if he's chosen as an applicant takes a moment and evaluates those public concerns. Appreciates Alex Miller's comments about displacing a business. I too, do not want to see Michi's leave but I have to say that at the time this ordinance was approved this idea of cannabis coming in and displacing businesses was happening. It was happening in Seaside; it was happening all over the nation. Would encourage voters to really carefully think about these kinds of issues before approving or voting for the next ordinance.
- Anthony Lombardi – 50% owner of Mortimer's lot – The complex has been in existence since the 40's, which is roughly 30-years longer than the city being a city. We have made attempts in the past to make improvements to the building and I'm not sure why, but this city has had some other agenda. This opportunity with Pacific Roots and the partnership we're hoping to get into with them is going to be the best opportunity the city has to make an improvement to a city icon. Wanted to clarify some of the misinformation on the parking that Christy mentioned. In the back of the building, the parking lot back there is not encroaching on the commercial spaces. Currently there are about 15 spaces back there that can be reallocated to the commercial businesses and then motel separately and the liquor store separately have 45 and I think we can get as many as 50 spaces over on that side, so the parking is less of an issue than I believe the city is making it out to be. Again, we've been reaching out to the city basically we're willing to work with the city to

make these improvements and make it safe and this is the best opportunity I believe you're going to have in a really long time.

- Scott Nakajima – My family has been going to Michi's Restaurant for the last 10-years. I've gone there with my mother whose 91-years old and we can recite the menu. I think it would be a big loss to the community if they would ever close or have to relocate. It is a gathering place for many of the Asian community; many people come from various parts of the Monterey Bay area. You have received over 100 emails against this cannabis dispensary opening in place of Michi's Restaurant and I don't know if you're going to read all of them, but you have to see the outpour of support for this restaurant. Please relocate this dispensary to another place. Agrees with just opening two dispensaries instead of three and see how this is going to affect your city and how it's going to change. Once you open three of them you can't close one of them and say it's not working out. So, I think that is the smart way of doing this.
- Kim Stemler – I'm all for making the property improvements at the vacant Mortimer's. It's an iconic structure and a key gateway location and really in dire need of revitalization. I think there is a misconception of who uses cannabis and the atmosphere of dispensaries. I've used a CBD/THC blend for some neuropathy for years and I'm not the only one over 50 in the dispensaries in Del Rey Oaks and Carmel. I would say the majority of people there are using it medicinally and they're over 50. They have high levels of security. They're beautiful facilities. They're brightly lit and clean. They have positive atmospheres. People just can walk in you have to show your ID. On another point I understand the law and I truly honor property rights and I feel tremendously bad for commercial property owners in this current environment and I think it's only going to get worse and it make me really sad to displace a current local business that's thriving, that's had such history, that has such following unless it wants to move and it sounds like Michi's doesn't want to move. I'm also concerned about the social inequity of this kind of action. By displacing that current local business you're actually lowering tax revenue.
- Mario Fernandez – Representative from the United Food and Commercial Workers Local 5. We represented approximately 30,000 members throughout Northern California and here tonight to express our enthusiastic support for Pacific Roots, Element 7 and Shryne Group for the approval of three retail licenses. These three companies represent the best in the cannabis industry because not only are they abiding by the State of California's requirement to have a Labor Peace agreement they see the United Food and Commercial Workers Local 5 as true partners in the development of the cannabis industry. Each of these companies is committed to working with us and labor to create jobs that provide for living wages, benefits and actual career ladders for the workers. It is our belief and experience that cannabis companies who proactively reach out and collaborate with our labor partners are best suited to live up to the commitments they make in the licensing process. These three companies in particular are the example of the type of business that would thrive in the cannabis industry and UFCW Local 5 supports their efforts to open a retail dispensary in the city of Marina. Thank you
- Brian Mitchell, CEO of The Shryne Group and we are applying under Stiizy for a location at 3170 Del Monte Blvd. We are working with the union and the partnership with the UCFW and as Eric mentioned not only have we signed a peace agreement but we've gone through the process of doing a collective bargaining agreement so we have union employees that are working at our stores. It's an amazing partnership and it really showed light when we went through the whole COVID crisis. Having a resource that works both with the employees and us as the employers to navigate challenging times such as COVID was a perfect example of why you have unions. We currently have 680 employees here in California between all of our divisions and naturally with that many employees we've had to hire locally, and we've been forced to have a training program. Many of the people that are at a director level within our company started working in dispensaries, they started in the manufacturing floor. So, what excites me about hearing Marina looking at

adding a few dispensaries is that you're creating job opportunities that can turn into careers, that can turn someone from a bud-tender to eventually a district manager and really, they can create their own destiny in a booming industry. Thank you

- Tony Raffoul – 50% owner of Element 7, wanted to say that the location they will be operating in is currently empty and will not be displacing any other business, we would be adding businesses. We are going to be doing retail and distribution, there will be no manufacturing in that location. Retail and distribution means that we will be paying the taxes twice and will improve our community. That was our goal. That was why five of the local nonprofit organizations and three of them is actually based in Marina. We signed the Labor Peace Agreement and have been living in Marina for six years and operating two businesses. One of them is the oldest food market in Marina, which is the Food Corral and I own the best in Monterey County 2020 Vape shop Marina Spirit and Vape Smoke Shop and I would be happy to work for my city, with my city and support my local people. Thanks for everything I get from the local community with all their support.
- Cristina Medina Dirksen – Thank you council and staff for working on this, increased tax revenues and opportunities await with your decision this evening. As you weigh who to welcome to Marina and allow to operate please consider the records of transparency, commitment to invest in Marina and most importantly Measure V. I was an original circulator of the citizens ballot initiative and it was never the intent to displace businesses in Marina but to supplement out tax base with businesses operating in carefully buffered zones, which is part of the criteria. What benefit is there to evicting a mom and pop business with deep community connections that's part of our city's ethnic fabric? What is the benefit of erasing the good will and comradery that's grown over the years for the immigrant owners? Transparency, it was never clear from the beginning which site on that commercial property was to be used for the dispensary and it wasn't until after the last Planning Commission meeting that it became clear it was Michi's. The applicant, Marina Trading Co's track record in Seaside in selling their stake after acquiring a permit is suspect to me. In the first round of scoring their security plan was flawed and given low scores and was remedied when they merged with JC Marina Venture. Three projects have been identified with perfect scores and I support Pacific Roots, Element 7 and Higher-Level Care Marina. Thank you
- Wesley Clark – We hear how many people have spoken and we are fully in support of Michi's staying in the city of Marina. The fact of the matter is this is a landlord and tenant issue. They are month-to-month and Steve came to us with the opportunity to expand. And to Kathy's point, it is the record stores address because that's what our initial application was just for. We talked with Robert about relocating and we knew how tough it was to be able to find a place that is zoned correctly, and we would have never taken that second location if we knew this was going to come down. Michi's will not be at that location for much longer and if it's not us then it's a gym or cross-fit and whomever has been talking with him. What we have made a commitment to is exactly what we have done for 20-months and that has put our blood, sweat and tears into this application. We absolutely love this city. We love Audra and we love Wan and they're going to be awesome rockstar owners. We are going to continue working with our translator on trying to help them whether it's a go fund me or relocation. We've already spoken with Mr. Wong, he is welcoming to take them in so that everyone who is worried about Michi's, I'm just as worried too and I want them to stay here as well. Thank you
- John Gaygan – Been a resident here since 1980 and first stationed at Fort Ord in 1969 in the Army and the first time I got familiar with the area and I've seen a lot of change. Concerned about the number of dispensaries also. Three might be too many. One might be monopolistic, so we need to at least have two. Displacing businesses is not good. Read a book about common sense, it's a good book by Steven Cutty and he said common sense is not common practice. I see you folks have a real tough decision to make because you can't use common sense you have to use by the book criteria. Philanthropy, giving back to the city. Michi's Japanese Restaurant was the only

Japanese sushi restaurant in town that was authentic. The other sushi restaurant is good too but they're not Japanese but they're good sushi, but we need more than one. We need competition and they've been philanthrope to the Chamber of Commerce of the city in supporting International Flavors of Marina event in the past and will probably do so in the future. We have to do the right thing, so please use common sense in your decision-making process.

- Shawn Wurtsmith – With Beyond Hello and wanted to finish what was in our presentation. Specific with security compliance, we believe that everyone is responsible for a safe and secure facility. Employee training and onboarding includes overview and operation of all of our security systems and will have guards on site 24/7 365. Two of those guards will be onsite during operating hours. One located in the lobby and the other one will be just outside of the building in the parking lot and surrounding area. After hours we'll have one guard onsite that will be monitoring cameras and alarms. Additionally, we'll have a UL certified central station that will be monitoring alarms offsite 24/7 as well. In regard to quality control and compliance standards, we've committed to operating in strict compliance regulations and industry best practices. We've successfully passed hundreds of inspections in audits and have no outstanding code violations. Thank you
- Sal Palma, Higher Leve Care – Our service at Higher Level Care at 3016 was one of the two applicants that scored a 100% on their first submittal. The question came up on the how many operations the City of Marina can support. The public vote did authorize the approval three retail dispensaries. Specific to our location the worst-case scenario were we to not be able to survive based upon competition is the city would have a fully improved entrance to the city at Del Monte Blvd right off Hwy One. The question came up what if some of the public improvements promised in the development agreement aren't completed and the developer goes under? Whenever there are public improvements involved the developer must have a performance bond to ensure that those public improvements are made. Union issues, we stated that yes 20 employees is the trigger to enforce a labor peace agreement and we're more than open to it prior to that. I used to run the Paratransit for the City of San Francisco. I ran multiples of regional centers/operations, East Bay Regional Center, Goldengate Regional Center, North County LA Regional Center, we were unionized in everyone of those and I enjoyed working with the unions and the stores. As far as tax revenues go, in the City of Seaside there are nine current licensee's and based on the information I have been given by the City of Seaside we account for over 50% of the tax revenue that's been remitted to the city. To Mr. McCarthy's point about the green cross, every applicant will have to submit a signage plan that will have to be approved by the city.
- Paula Pelot – I don't want to repeat a lot of what's been said but you don't have to approve three dispensaries this evening. There are issues of concentration. There are issues of what types of things would provide long lasting improvement to the city. Pacific Roots is one of those. The Stiizy location is also one of those and it sounds like there's general agreement that Element 7 would also be a benefit. My concern about 3112-3114 Del Monte is that you've heard quite a bit about that, it was a very disturbing narrative we heard. Not sure what basis the city could, within its parameters deny that. Main concern is with the entry property because of the TAMC project, the extension and having to do with 2nd Street and Del Monte and what the impacts of that are going to be. I think that project is already about 90% planned for which means it's probably going to be implemented sooner rather than later. It would be wiser to allow that implementation to happen before you put anything there whether it's a dispensary or not. If you were to approve Pacific Roots and Element 7 and if you felt you had to give the third permit to Stiizy that would create some space between them so they're not all concentrated in one area and that two of those projects because of those improvements that they would be required to make would benefit the city over the long run and the occupying what has been a vacant property off of Seacrest would also be a great improvements, so I would recommend that if you're going to go ahead and do three that those would be the three to approve this evening. Thank you.

- Brandon Gesicki – Pacific Roots, emphasize that our goal is to make that historic building into a crowned jewel which is part of the history of the name and with the original train location. Pacific Roots is founded on the history of the city and the train and the stop that Mortimer's represents. Reemphasized our relationship with local labor and with UFCW Local 5 is that we've had a signed labor agreement with them from day-one. Pointed out things they have done in the city in terms of engagement consist of donations to the Marina Grange, VTC, American Legion, Friends of the Marina Library, the Fil-Am Club on Monterey Peninsula, Marin Youth Arts and many others. We didn't just commit to doing that we've actually made those contributions of over \$12,000. Some of the other things we're really focused on in part of what we're about is education in providing opportunities to bring in folks from the elderly community that we did with our dispensary partners in Long Beach bringing those folks to be educated in our community room. If you look at our plans, you'll see what our community room there and I think that's going to be a great benefit because part of what we want to do is educate people on the benefits and also the negatives of cannabis. I think the best parts.... Our site is vacant, we're not displacing any businesses and we're going to take a historic treasure of the city and turn it into a future crown jewel in the center of Marina.
- Cynthia Tanabe – Would like to make a few comments after really studying the documents. Going back to the original application and the combined applications that are online that the Marina Trading/JC Marina Ventures that they are so heavily redacted that you cannot find the site-specific information that the other applicants list. Is there anyway to see a corrected application? Do they resubmit or are there any additional information that we can access online for any changes that have been made? They do say they have local owners, but I would like to know if they are allowing their two local owners 1% each? That's a pretty big difference between the 50% ownership.
- Nicole Raglin – I think it's important to address issues of equity and to look at applicants of color, and women and to even this economic field and so I would like to say that I not only endorse but think highly of Audra Walton, one of the applicants, she is a veteran, a woman and a woman of color and she is a dedicated hard worker and she will not let the community down.

Mayor closed public hearing for public comments

9:43 PM

URRUTIA/DELGADO TO GO UNTIL 10:30 PM. 5-0-0-0 Motion Passes by Roll Call Vote

URRUTIA/BERKLEY: THAT WE APPROVE A CANNABIS PERMIT FOR ELEMENT 7 AND ADOPT RESOLUTION NO. 2020-63 APPROVING A CANNABIS CONDITIONAL USE PERMIT TO ALLOW A MEDICAL/ADULT USE CANNABIS DISPENSARY LOCATED AT 234-242 RESERVATION ROAD (APN 032-181-018) IN THE C-1 (RETAIL BUSINESS) ZONING DISTRICT. 4-1(O'Connell) -0-0 Motion Passes by Roll Call Vote

Public Comments on cannabis permit motion:

- John Gaygan – When will you decide how many you're going to approve?
- Kathy Biala – Agrees with the motion.
- Debbie Gentry – Agrees with the motion.
- Paula Pelot – Thanked Council Member Urrutia for his wisdom in this and agrees with the motion.
- Grace Silva Santella – Your resolutions allows them to be open until 11:59 PM, just wanted to make sure you were aware of the closing time.

- Sandy – How do we know that the owner is actually a Marina resident? County Weekly article stating that Cristina Medina Dirksen receive a \$1,000 donation from Tony Rafoul of Santa Maria, and it seems that public records also show that Tony is a resident of Santa Maria. Is this all verified that he's actually a Marina resident and a Marina owner?
- Tony Raffual – resident since 2014

URRUTIA/DELGADO: THAT WE APPROVE THE APPLICATION AND RESOLUTION ATTACHED FOR SGI MARINA LLC LOCATED AT 3170 DEL MONTE BLVD. 4-1 (O'Connell)-0-0 Motion Passes by Roll Call Vote

Public Comments on cannabis permit motion:

- Brian McCarthy – Not sure that Stiizy is the best applicant for reasons I already mentioned about being close to our parks. In addition, I want to say that in regard to the Mayor's comments about not having three businesses down the road I think as one applicant said these business licensed are very valuable and I think one alluded to the reality that many people apply for them almost immediately sell them, so I think that even if a business owner proves not to be viable they would then go and sell that business to someone who can manage it a different way. Not sure that I agree that that's how this will play out of course I don't know is probably any more than anyone else who can't tell the future. It's quite clear by the Mayor's pronunciation of the business name is not familiar with some of the lingo and that is that Stiizy is not a word in the dictionary but is word that hopefully is in the urban dictionary that means "high, very stoned, glazed or lit" and so I know that business owners have some personal rights here in terms of what they want to name their business but I wanted to throw that out there for your consideration. This was brought up n the Planning Commission and the applicant indicated that the name meant "high fashioned or a combination of fashions" meaning different things to different people but certainly there's some evidence that it's got different commutation of overuse of marijuana.
- Kathy Biala – Agrees with this motion.
- Eric Lightman – Spoke earlier on behalf of Stiizy. Urban dictionary is a crowd source website and you can get in there and create definition for anything you want to. I can assure you all that Stiizy does not mean high or stoned. It means style with ease. It's two words joined together and being stoned, and that sort of thing is against the image and against everything we stand for.
- Debbie Gentry-Rao – Agrees with the motion
- Paula Pelot – Support motion. The distance is an important think, there are a number of factors, the improvements that will be there whether this business survives there or not.
- Guest – Opposes motion due to neighborhood compatibility and being next to parks
- Cristina Medina Dirksen – Does not support motion due to being next to the park. Can foresee my family and others taking in the park and a little unsettling just from close proximity. When we think about proximity and buffer zones there's also a courthouse right nearby. Not so sure about this location.
- Wesley Clark – Wanted to check the parcel distance between Element 7 and this property.

URRUTIA/BERKLEY: TO APPROVE THE APPLICATION AND RESOLUTION ATTACHED FOR PACIFIC ROOTS, LLC LOCATED AT 3100 DEL MONTE BLVD. 4-1(O'Connell)-0 Motion Passes by Roll Call Vote

10:25 pm

Urrutia/Delgado: to go to 10:45 PM 3-2(O'Connell, Morton)-0-0 Motion Passes by Roll Call Vote

Public Comments on cannabis permit motion:

- Wes Clark – Thinks you have a tough decision ahead of you and whatever decision it's going to be is going to be the right decision for Marina. All that I can say is that I wish that we can take record store over and what I would recommend is that we can just do that and maybe somebody in the community was willing to work with us and Steve and work with the owners of Michi's because we want to be a part of this city. we've shown that every single month with the cleanups, with the Friends of the Marina Parks and everything like that. I'm willing to do whatever it takes to work and make sure that Michi's is open in Marina and that we have a home.
- Sandy – wanted to go along with what the Mayor said and that was that the industry know what's best but however you elected officials, our council members know what's best for our city and what's right for our city at this time and if that's granting two permits at this time and that's what your gut instinct is telling you, you should go with that. There is due process by denying the other three applicants and only granting two everyone has been afforded due process by this lengthy hearing and there are three good reasons to each of those remaining applicants. The City Council must weigh the public interests versus these business plans and projected revenue are often over projected and just because we approve them doesn't mean we're going to get a lot of money that is promised. It never happens that way. So, I strongly urge you to keep it at two permits and deny the other three by giving them due process by denying each of them. Thank you
- Cristina Medina Dirksen – Think about the intent of the measure. We purposely said up to three. We also have to think about the economic climate that we are experiencing and the abilities to fund things that are facing cuts in our budget down the line. Urged council to go for three and trust you to make the best decision possible for our city.
- Anthony Lombardi – If this is approved, we are extremely excited to work with Pacific Roots as well as the city to improve our site. In all the discussion about approving two and the financial impacts keep in mind that the property owners of all these locations have been financially impacted severely as well in the delays. We've all been patient. Thank you
- Jeff – I agree with Wes Clark. I'm a long supporter of Michi's and I strongly believe that regardless of what's going to happen if Michi's is going to be displaced I think it is best for a company to help them possibly relocate within Marina and stay in the community instead of just going out business completely. It seems like the comments are building regarding what will happen to them eventually even if the cannabis company doesn't come in. It seems like someone else will take their place and I believe it's the best course of action to give them all the help that they need.
- Cesar Lara – I support this proposal. I think it's the wisest move you could do. That street corner is an eyesore. There is no other business model to come in and have the financial resources to rehab that corner. Disappointed by some of the comments about donations in regard to the community. I think one of the best ways you could do it is with a union agreement and that property has it and we they also have the resources to improve that street corner that no other business model, nothing else out there that could move into that property and rehab that facility and that is motivated to do it. I think it's the best financial decision for the economic for all of Marina. This is a big project that needs to be approved.
- Aaron Johnson – Reemphasized the uniqueness of this opportunity with this corner of Carmel and Del Monte Avenue. I've heard a lot of public comments and this is not about Michi's in my opinion. This is about a very unique opportunity to make significant change. To take Marina for its residents and leave it better than you found it. We came into this, I said that in my presentation and that's what we live by. I think this is an opportunity for us to move a plan forward that brings Marina into a far better place at least at this corner, highly visible than what it is today. I support the motion and we will work extremely fast to get to the Design Review phase and provide answers

for you. The only reason we haven't done that to date was because we didn't feel it was appropriate to move design plans forward with the city without some kind of approval and that's where we are today. We are looking to move forward and take that next giant step immediately after tonight if this approved.

- Kathy Biala – I don't think there is any way at this moment tonight before you have to make a decision to guarantee any continued tenancy on the part of Michi's. I am not a spokesperson for them, I only consider them friends, acquaintances more so I just ask whatever decision you make tonight that you attempt to say that there is a way in which they preserve their tenancy in that place. Thank you
- Charlie Ryan – Reminded everyone that a displacement of an existing business is not something to take into consideration here during the decision process. That being said the addition of Marina Trading Company offering and trying to help find a soft landing is something I think is worth taking advantage of that's not going to come around in the next few months. I'm in full support of Marina Trading Company just based on the business plan, their location, and property. It seems like it would require minimal improvements if any. The ample parking seems like it could be a really smooth operation early and fast. Thank you.

9:45 PM

Delgado/Urrutia: to extend meeting to 10:55 PM 4-1(O'Connell)-0-0 Motion Passes by Roll Call Vote

- Sal Palma – Touch on a point that Eric Johnson make earlier. This is a once in a lifetime opportunity to redevelop the site at 3016 Del Monte for Higher Level of Care. The owner of the property is JT's Plumbing who currently occupies the forward facing building on the property and he's more than content to use it as storage for his plumbing vehicles and on the interior storage for his motorcycles, four-wheelers and that will be that property forever unless we get the opportunity to redevelop it. He has not intent to use the site for any use other than that. There will be the canopy there. There will be the pumps there. There will be the tanks there. There will be an eyesore there at the entrance to the city from now until forever unless you get a business opportunity that can go forward to make the public improvements that you want to be made to this site to get in there to get them done and we are more than willing to do so.
- Patrick C – You have a chance at some local ownership here and I think that should really weigh in on your decision and you also have a historic location. The one place you approved your going to have smoke-out Tuesdays, so I hope you understand Stiiizy doesn't have... it has a pot name, that is a pot name and that's what you're approving. You have a chance for local ownership. You also have a chance at some union representation for workers in this town and I hope you take that into consideration. Thank you
- Rich – Been a resident for eight years and sit here and say I love Michi's. I think the guy earlier hit the nail on the head, if you really want them to survive let somebody help them because I guarantee you the people that come in after Won, they're going to be out of everything. Sound like they're up the fastest, get some revenue, we love to talk about the small guy well this is the way to do it. Help your community, help this restaurant in your community now instead of turning a blinds eye. I don't want to see them go anywhere. Thank you
- Paula Pelot – This is a really tough thing for everyone. For the applicants, for the businesses that might be displaced but the motion that's in front of us the one that Council Member Urrutia has proposed is what we're talking about right now and that's the motion we're going to vote on. The other businesses have a great deal of merit. I personally know Audra Walton and feel very good about her and I see the opportunity with the entry as well but I think that the motion we have in

front of us is for this one particular site, which is Pacific Roots and we should be making a decision based on the merits of that which I think is considerable since it will be making improvements to the property and to the street which has been terrible for so long. Both that and the entry are terrible sites, but this is what we're voting on and if someone wanted to go into the merits of the other two then perhaps the motion should have been made for one of the other two. Right now, this is the motion that's on the floor and I think we should support it. Thank you

- Audra Walton – I am very sorry about Michi's and we really do want to work with them and get them into a new home. I have lived here for 22-years and wanted to mention that I am active here in the community and have been for years. I love Marina and want you to know that I will be taking care of you and this city the way I have all these years. If anyone has any questions for me, I'm willing to answer them. I would really like you to say yes to me. Saying yes to me get me and my kids out of poverty. It extends wealth into my own community with respect I'm the only applicant that is black and the only applicant that is female.

10:55 PM Morton/Urrutia: to extend the meeting to 11:05 pm 5-0-0-0 Motion Passes by Roll Call Vote

Morton/Berkley: to deny a permit for Higher Level of Care Marina at 3016 Del Monte Blvd. and Beyond Hello/Marina Trading for the purposes that Each of these two perspective applicants cannot now obtain a permit under Section 5.76 in compliance with the Marina Municipal Code because they cannot accordingly comply with all city requirements. **2-2(Urrutia, Delgado)-1(O'Connell)-0 Motion stalls by Roll Call Vote**

Substitute Motion

Urrutia/Delgado: to continue any remaining discussion on the remaining applications until January 19, 2021. **2-3(Berkley, O'Connell, Morton)-0-0 Substitute Motion Fails by Roll Call Vote**

11:04 pm: Urrutia/Berkley: to extend the meeting to 11:10 PM 4-1(O'Connell)-0-0 Motion Passes by Roll Call Vote

- Paula Pelot – Does not support sub motion, thinks there too much ambiguity in this in the point in time and ai agree with some of the comments made and support the original motion. Thank you.
- Wes Clark – Stand what I said, we want to be a part of this community and we would love to be considered in the near future. January 21, 2021 we will be able to see how it's going on, if the construction is up to you guy's par and thank you Adam for bringing this up.
- Cristina Medina Dirksen – Agrees with Paula Pelot as well. You must be fair and allow for when the clock ticks and city staff is done, and city council and planning commission is done with their review because what has happened before for example with the hotel it was in the city's hands when delays occurred. So, we have to be fair and cognoscente of delays that are not of the applicants doing.

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, 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. Move to Consent Agenda on June 2, 2020~~

~~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: 11:10pm

ATTEST:

Anita Sharp, Deputy City Clerk

Bruce C. Delgado, Mayor