



MINUTES

Wednesday, August 5, 2020

5:00 P.M. Closed Session

6:30 P.M. Open Session

REGULAR MEETING

**CITY COUNCIL, AIRPORT COMMISSION,
MARINA ABRAMS B NON-PROFIT CORPORATION, PRESTON PARK SUSTAINABLE
COMMUNITY NON-PROFIT CORPORATION, SUCCESSOR AGENCY OF THE FORMER
MARINA REDEVELOPMENT AGENCY AND MARINA GROUNDWATER
SUSTAINABILITY AGENCY**

Council Chambers
211 Hillcrest Avenue
Marina, California

Zoom Meeting URL: <https://zoom.us/j/730251556>

Zoom Meeting Telephone Only Participation: 1-669-900-9128 - Webinar ID: 730 251 556

1. CALL TO ORDER
2. ROLL CALL & ESTABLISHMENT OF QUORUM: (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency)

MEMBERS PRESENT: Lisa Berkley, Adam Urrutia, Frank O'Connell, Mayor Pro-Tem/Vice Chair, Gail Morton, Mayor/Chair Bruce C. Delgado
3. CLOSED SESSION: *As permitted by Government Code Section 54956 et seq., the (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency) may adjourn to a Closed or Executive Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City's Meyers-Milias-Brown Act representative.*
 - a. Conference with legal Counsel, anticipated litigation – initiation of litigation pursuant to paragraph (4) of subdivision (d) of CA Govt. Code Section 54956.9 – one potential case.
 - b. Performance Evaluation of Public Employee, Unrepresented Employee – City Manager
 - c. Conference with Labor Negotiators: CA Govt. Code Section 54957.6
Designated Representatives: Mayor/City Council
Unrepresented Individual: City Attorney – Amend City Attorney Contract

d. Real Property Negotiations

- i. Property: Marina Equestrian Center, Consisting of approximately 27.235 acres
Negotiating Party: Marina Equestrian Association.
Property Negotiator: City Manager
Terms: Price and Terms
- ii. 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

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

Robert Rathie, Assistant City Attorney reported out Closed Session: Council met in Closed Session at 5:00 pm. Two matter were taken up. With regard to agenda item 3a, information was provided, and no action was action was taken. With regard to agenda 3d(1) information was received, direction was given to the City Manager to start negotiations with the Marina Equestrian Association. Council reserved the right to enter back into Closed Session at the conclusion of tonight open meeting.

4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)5. SPECIAL PRESENTATIONS:

- a Award of Meritorious Service to Aaron Widener
- 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 – Sent Council an email earlier about the “words” that are posted on the dais in front of each council/commission seat, it’s a list of 8 reminders of how to “play nice” or good housekeeping for the Council. It listed things like don’t interrupt, listen and do not personalize issues. I was thinking that little list is not something that’s getting to you at your home laptop zooming these meetings. If you’re just participating in your own little domestic, nice cocoon type setting you may not be aware of the rule of etiquette for how to conduct these. You will have new council members joining you this year, some of which have never been on commission or councils. If they’re still doing zooming, I think that would be a good reminder for new members on the rules on how to conduct meetings. Asked if you’re not getting that as part of your packet that maybe if you think it’s appropriate the city clerk could attach that just a reminder. Asked if Terry Siegrist ahs ever been recognized or given a special award for all his efforts? He seems to be always giving our awards and recognition but never seem to be getting them for the amazing stuff he’s been doing day in and day out during times like now. Terry is a great asset to the city had hopes he can be acknowledged for his efforts.

- Nancy Amadeo – Agrees with both topics Mike spoke about. Commented about when raising her children, she taught them that when they get an apology it is important not to say that's okay because that says what was done was ok; and not to forgive unless you feel forgiveness but that an apology still needs to be recognized because it is extremely difficult for anyone to say I'm sorry. At the last meeting the mayor did apologize to me publicly and I wasn't able to speak again on that issue so tonight I want to publicly acknowledge his apology and to say thank you. So, Mr. Mayor thank you very much for the apology.
- Dan Amadeo – A month ago it was suggested that we needed to something to inform the public about how these new elections are occurring. District versus At-large. What I had heard originally was the County was going to do something, they haven't but I really think it's up to the city. The elections are getting close and given all the potential changes with Council Member Urrutia potentially resigning and Council Member O'Connell's potentially not running again but I think it is critical that the city does something.
- Kathy Biala – Marina's water is in jeopardy of being stolen by CalAm a private for-profit company that delivers water to our neighbors on the peninsula. Citizens for Just Water is a group of residents fighting to stop CalAm from building a Desalinization project on Marina's beach. The proposed slant wells will take most of its water not from the bay but from our aquifers below our city. This groundwater is the only source of water for Marina and the Ord Communities. There is a good alternative, the expansion of the Pure Water Monterey Recycled Water Project that could provide enough water for the peninsula for decades without harming any of our sensitive habitats. Please join the water townhall zoom meeting tomorrow Thursday, August 6th at 7:00pm to learn more about this threat to our drinking water. The Zoom link is: www.citizensforjustwater.org . On Thursday, September 17th the California Coastal Commission is having a special meeting to decide whether to approve or deny the CalAm project. Please let us know if you are able to make public comments during that zoom meeting, this is extremely important to us. You must have window signs with our Western Snowy Plover picture and the words Stop CaAm. This window sign can be downloaded from our website. Take a picture of yourself or your family in front of this window flyer and email it back to us. The photos will be used to show the Coastal Commission that Marina's residents are in solidarity in requesting the denial of CalAm proposed slant wells. Signup of updates on www.Citizensforjustwater.org so that we can keep you informed by email.
- Cristina Medina Dirksen – Gave a sincere thank you to the Marina firefighters who were gone from their families for two weeks on two separate fires and just got back. They were on one fire in Coalinga and one fire near Birdie, California. That was a long time for them to be away and they contributed greatly as part of a strike team. Noted that the Redistricting postcard can in today's mail and looked very much like what the Marina Foundation sent out about the food distribution. The County held a districting zoom meeting several weeks ago talking about how we are going to be doing our voting differently. Agree with Mike that Terry is the unsung hero for Marina and amazes her at everything he does and his ability to take calls and manager to organize quickly.
- Les Martin – Been living in the Dunes development area for about 4-years now and interested in talking about the blight. Understand that we received \$9.7 million to remove the blight and I see a lot of working taking place behind Target up on the hill, that's fantastic and looks nice now. My main concern is the area on 2nd Avenue by the swimming poll area and back in that area. It's going to be part of the Dunes area Phase II; is that scheduled to be removed soon? Is there a schedule for the rest of the work? Walked though the Cypress Knolls site and was shocked. It's like a ghost town and hope we put a lot of emphasis on getting rid of the blight. Would like to hear more about that.
- Kathy – Live in the Dunes and asked what the progress was for getting a grocery store in the Dunes area? Target is not a grocery store. There was talk about a Trader Joes, which I heard that Trader

Joes needed 1000 people in the area before they would consider it. Wondering if we are going to get a grocery store. There needs to be one there. I think we have enough people there that warrants one and I would like to see a Sprouts. Sprouts has fresh meat and fresh produce.

- Karen Anderson – This past week we saw the passing of Dred McCall who was a photographer who came out to all events including the Coastal Commission to record who all was there and what happened. Just want to say how sad she was that this Vietnam Vet had passed away out of our lives.
- Brian McCarthy – A couple of months back council discussed deed restrictions on what will the Phase of the Dunes and those deed restrictions will be written and approved by the City Attorney. Often times as a resident of Marina where we find problems in our own lives, we wonder how they affect our neighbors and other developments. In my neighborhood the deed restrictions were written very poorly. This was many years ago and I'm sure it wasn't related to any current staff; I don't know what the process looked like but I'm wondering if there's some benefit to having a public process in those deed restrictions? I really worry about new residents moving into Marina and being stuck with restrictions that are poorly written and unenforceable and will have to be rewritten by incoming residents, eventually anyways. Just a question to put out there for council to consider and hopes to get an answer either today or at a future meeting. Thank you.
- Liezbeth Visscher – Last May the Council had approved the Traffic Survey and wanted to know when we can expect the new signs to be installed and when can we expect the Marina Police to start enforcing the speed limits in our city? Thank you.

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 95552-95657, totaling \$396,199.98
Accounts Payable Successor Agency EFT totaling \$142.50

b. MINUTES:

- (1) May 21, 2020, Special City Council Meeting
- (2) June 10, 2020, Adjourned Regular City Council Meeting
- (3) June 16, 2020, Regular City Council Meeting

- c. CLAIMS AGAINST THE CITY: None
- d. AWARD OF BID:
 - (1) City Council consider adopting **Resolution No. 2020-97**, awarding the 2020 Reservation Road Pavement Rehabilitation Project to Granite Rock Company of San Jose, California for the amount of \$1,531,529, and; authorizing the City Manager to execute contract documents and all change orders on behalf of the City subject to final review and approval by the City Attorney, and; authorizing Finance Director to make necessary accounting and budgetary entries.
- e. CALL FOR BIDS: None
- f. ADOPTION OF RESOLUTIONS:
 - (1) City Council consider adopting **Resolution No. 2020-98**, approving the destruction of payroll records according to the City's Records Retention Policy covering the calendar years of 1986 to 2008.
- g. APPROVAL OF AGREEMENTS
 - (1) City Council consider adopting **Resolution No. 2020-99**, approving an agreement between 2nd Nature, LLC and the City of Marina for Environmental Services for the Retention Basin Annual Water Monitoring Study, and; authorizing the Finance Director to make the necessary accounting and budgetary entries; and authorize the City Manager to execute the agreement on behalf of the City subject to final review and approval by the City Attorney.
 - (2) ~~City Council consider adopting Resolution No. 2020- , approving an agreement between the City of Marina and Ms. Cheryl Kent, for services as the COVID-1 Code Enforcement Officer AICP, and; authorize the City Manager to execute the agreement on behalf of the City.~~ ***Pulled from the agenda by staff.***
- h. ACCEPTANCE OF PUBLIC IMPROVEMENTS:
 - (1) City Council consider adopting **Resolution No. 2020-100**, accepting the dedication of Public Improvements as shown on the approved Dunes Phase 1C (Formerly University Village) Improvement Plans and Final Map for Residential Phase 3, and; authorize the City Clerk to release bond securities, accept a warranty bond, and record acceptance with Monterey County Recorder's Office.
- i. MAPS: None
- j. REPORTS: (RECEIVE AND FILE):
 - (1) City consider receiving Investment Reports for the City of Marina and City of Marina as Successor Agency to the Marina Redevelopment Agency for the quarter ended June 30, 2020.
 - (2) Monterey-Salinas Transit Press Release – MST Reinstates Fare Collection & Front Door Boarding.
- k. FUNDING & BUDGET MATTERS: None
- l. APPROVE ORDINANCES (WAIVE SECOND READING): None
- m. APPROVE APPOINTMENTS: None

Council Member O'Connell requested to pull agenda item 8g(1) for a separate vote as he needed to recused himself from this item due to property location near his home.

City Staff pulled agenda item 8g(2) from the agenda for a future meeting.

MORTON/URRUTIA: TO APPROVE THE CONSENT AGENDA MINUS 8g(1) AND 8g(2). 5-0-0-0 Motion Passes by Roll Call Vote

8g(1)

Mayor Pro-Tem Morton asked if this was a necessary study in 2020?

MORTON/BERKLEY: TO APPROVE 8g(1). 4-0-0-0 Motion Passes by Roll Call Vote

9. **PUBLIC HEARINGS:**

- a. City Council continue discussion following closure of the public hearing and receipt of testimony from the public on July 21, 2020 and consider adopting **Resolution 2020-101**, submitting to the voters at the November 3, 2020, General Municipal Election a Measure amending provisions of the Municipal Code relating to the regulation, permitting and taxation of commercial cannabis businesses, activities and land uses which would repeal Title 19 "Commercial Cannabis Activities," repeal Chapter 5.76 "Cannabis Retailer," add Chapter 5.80 "Commercial Cannabis Business Regulations" and add Chapter 17.47 "Commercial Cannabis Uses."
Continued from July 21, 2020

Council Questions: Relating to the 4/5th vote on a tax situation, if we were to include the transfer tax at the last meeting would we be looking at a 4/5th vote? Clarification on the Parks, so the restriction is already in the packet, but Ch. 17.47.050 is the protection for the pre-existing licensee, correct? Do we have any regulations in our municipal code about the display of advertisements for alcohol in liquor stores, 7-11, grocery stores? If we did limit park distance do, we have any limit on park proximity to liquor sales whether they be restaurants, liquor stores or any other kind of liquor sales? Does anyone know if there is any movement to legalize marijuana federally? Marina Landing Shopping Center, would the grandfather clause allow for example Stiizy who's next to Jack-in-the-Box to move in the future to Walmart or would they be prevented from doing so? If the motion on the floor were to pass would the Walmart area be allowed cannabis?

Council Member O'Connell – I have a small amendment to the motion if it's agreeable. On page 12 of the staff report, part of the resolution, paragraph 14 of the resolution it reads "*base on all the information presented at the July 21, 2020 City Council...*" I'm asking right after the date simply put in "*and August 5, 2020*". Since we have information today. That's the only change I'm asking to be made to the resolution.

BERKLEY/MORTON: TO ADOPT RESOLUTION NO. 2020-101, SUBMITTING TO THE VOTERS AT THE NOVEMBER 3, 2020, GENERAL MUNICIPAL ELECTION A MEASURE AMENDING PROVISIONS OF THE MUNICIPAL CODE RELATING TO THE REGULATION, PERMITTING AND TAXATION OF COMMERCIAL CANNABIS BUSINESSES, ACTIVITIES AND LAND USES WHICH WOULD REPEAL TITLE 19 "COMMERCIAL CANNABIS ACTIVITIES," REPEAL CHAPTER 5.76 "CANNABIS RETAILER," ADD CHAPTER 5.80 "COMMERCIAL CANNABIS BUSINESS REGULATIONS" AND ADD CHAPTER 17.47 "COMMERCIAL CANNABIS USES." WITH THE ADDITIONAL NONCONFORMING USE AND SIGNAGE ADDITIONS WE HAVE BEEN PRESENTED WITH TONIGHT; AND THAT WE INSERT IN SECTION 14 OF THE RESOLUTION THE AUGUST 5, 2020 DATE. 3-2(Urrutia, Delgado)-0-0 Motion Passes by Roll Call Vote

Public Comments:

- Nancy Amadeo – It's important to pass a motion tonight and if this is the motion that will the number of votes needed; not really sure if the change in taxation was included in the motion because I'm not sure what was in the resolution but if it was then obviously your going to need 4 votes so, it's important that if this is a motion that all five of you could support that would be best but if at least four of you could support it that would be wonderful. But also reminding the council that any decision you make tonight if the public votes to support it you can make changes in the future to this ordinance at the council meeting. It doesn't have to go to the public again except on taxation. If you're concerned about the outlines of the parks and pass it tonight and you decide in the future that it's a problem you will have that opportunity to address it and any other problems that you see as this ordinance is enacted. I would avoid if possible trying to be too picky about it because unlike the current ordinance this one you will have the opportunity to update and recognizing that cannabis law is changing all the time it will be important to this council to be able to make sure the ordinance you have meets state law and eventually federal law.
- Kathy Biala – Thinks that the 60-foot buffer and the exception for previous licensed entities and the signage restrictions are appropriate. The staff report says "at this time staff has not been able to identify specific method for implementing youth education programs. Should council desire this effort is can be further investigated and implemented at a later date as this action does not require inclusion in the draft commercial cannabis ordinance of 2020". As with all initiatives not given formal consideration by a governing body and left to a later date, concerned that youth education on cannabis use will most likely be forgotten and displaced by many other priorities. We brought a legitimate business of cannabis retail to our community but in doing so we have also opened the door to another risk to our children. As a society we've allowed vaping only to be surprised later that we now have a serious and widespread problem related to vaping among youth. We have stood by and watched this predictable trend happen right before our eyes. The National Institute of Health reported an alarming rise in the number of American teens who tried vaping. If we bring cannabis to Marina for adults, as we have done, it is our ethical responsibility to anticipate abuse by children who do not have maturity to evaluate the potential harmful, physical and social effects of chronic cannabis use on developing brains. I will periodically be reminding you of your obligations and will do what I can to propose ways that our city can meet our obligations to protect our youth. I don't want us to look back some day to realize we could have tried harder to prevent this but chose not to. Will this council commit to considering some involvement in prevention programs for youth? Thank you
- Brian McCarthy – Agrees with Nancy's comment and I support Council Member Berkley's motion as an appropriate compromise to make on this issue for city residents. It should be noted that the City of Marina as a city still in the minority of California cities and municipalities who allow the sale of recreational cannabis are on the cutting edge of allowing this use and being a relatively early adopter to allowing this use has great responsibility to do this in a way that provides for the safety and wellbeing of all Marina residents, visitors and guests and in particular our youth. I would like to express how impressed I am of city staff who worked hard on this ordinance including the hired attorney/consultant Mr. Mandell for their extremely hard work on the ordinance. Although I do not in principle favor the grandfathering of legal nonconforming uses to be legal conforming given the city has not extended the same privilege to the dozens of small and medium sized mom and pop business the city will make nonconforming during the Downtown Vitalization plan. I also appreciate that this language is a compromise and if that's what it takes to protect the sensitive receptors such as recreation centers and parks then I support it. Glad there was discussion on regulating other uses and wanted to remind council smoking advertising has been heavily regulated for decades and in fact in my opinion is that tobacco industries so realize the

harm they've done to America's youth they reached a settlement agreement to nationwide regulate tobacco advertisement. So again, I support Council Member Berkley's motion and hopes for a unanimous vote.

- Grace Silva-Santella – Supports this motion and agrees with Nancy Amadeo that this is an important step to take and that if voters approve this you will as a council have the opportunity to modify to this ordinance in the future. Thank you

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. 2020-102**, supporting Proposition 15, Schools and Local Communities Funding Act of 2020. ***Continued from July 21, 2020***

Council Questions: is this a Prop13 modification and does it affect residential properties? Does commercial include multi-family housing? If I have a home business out of my single-family residence that I would not be affected? If someone owned a home and rented it out would that affect them? If it affects multi-family units such as apartment complexes and there's a change of an increase in tax that has to be paid by the owner of the apartment complex would be passed on to the tenants, what justification is there to potentially subject renters and multi-family homes to increase rents? When property management companies own thousands of units will their taxes increase and then in the likelihood be passed on to the renter? What about mixed-use units where the business is below, and the residence is on top? If the commercial property, even if it's residential has a value that reaches a plateau, a value that it would be reassessed, correct? Would our Walmart pay more? What does it mean to fully support this proposition?

URRUTIA/BERKLEY: TO ADOPT RESOLUTION NO 2020-102, SUPPORTING PROPOSITION 15, SCHOOLS AND LOCAL COMMUNITIES FUNDING ACT OF 2020. 4-0-0-1(O'Connell) Motion Passes by Roll Call Vote

Public Comments:

- Brian McCarthy – Appreciates Council Member Urrutia's consistent quest to ensure the city has adequate revenues sources. I appreciate the opportunity to learn a few things from Mayor Pro-tem Morton and Council Member O'Connell. I haven't done all my homework on this so I'm personally going to stop short of recommending support or opposing this Proposition. I liked that Council Member Urrutia did a back of the envelop calculation and according to that I found that Walmart in Marina likely pays less property taxes than my small neighborhood of dense housing, it takes up the same amount of land. I found that really interesting and something to consider. I wanted to mention some of the other municipalities that have decided to publicly support this Proposition. Alameda, Contra Costa County, Los Angeles Counties, San Francisco Board of Supervisors, Santa Clara County Board of Supervisors, Santa Cruz, Berkley, Emeryville, Oakland, Richmond, San Pablo. It sounds like this has a lot of support throughout the state and I really

appreciate the Council Members being able to bring this to the public for their education. Thank you

- Les Martin – I think we're talk about whether or not the Council should give us their opinion as the voters and I don't think we need you opinion, thank you very much but I don't think you should make an endorsement either way. The voters will decide. I also don't like the discussion about basically billionaires and all this; corporations are owned by the investors and do you know owns a lot of investment in this country are people who have retirement funds, let's not talk it's all billionaires paying these bills that's not necessarily true. If schools need more money and I don't understand why because we created a lottery system that was supposed to pay all the bills for schools in the past and I heard the lottery money wasn't really going to the schools. Now we have another reason why we have to raise taxes to fund schools. Schools need to be funded; I total agree. I think California is already one of the highest tax State in the country and I think we should leave it up to the voters to decide, thank you.
- Kathy Biala – I appreciate the careful conversations that have occurred on this and I think when we look at the description of Proposition 15 it's the tax on commercial and industrial properties which I think is appropriate and it says for education and local government funding initiative. Now, local government funding that means us and so I think that it's pertinent to our small jurisdiction; and in terms of those that have been so incredibly impacted by this emergency kind of crisis with Covid, it's education and local government. I don't know the history of Prop 15 but if it's occurring coincidentally with this Covid I think it makes sense that we have to look at the balance between who at present nationally have the money and who doesn't have it. I think that this Proposition is something that we should support, thank you.

b. City Council discussion on Procedure to fill Council Vacancy.

Council Questions: District 1 was mentioned and that included Council Member Urrutia's representation; because he is At-large it is my understanding that he represents At-large and that District 1 includes his residence, so he represents everybody? When you said we "may" choose someone At-large may we also restrict it to District 1? Questions about the 2008 council appointment process? Can you summarize for the public what the steps were used in 2008 to appoint a council member? Can we do a special meeting so that we don't sandwich this important matter into a regular meeting? Confusion on the balloting, can we do verbal votes? Do you remember the intent of the paper ballot? Was it to give some type of privacy to the votes? What would council members think about doing the "1,2,3" where each person gives their primary vote, secondary vote and third vote – Rank Voting? What is staff looking to get from the Council tonight?

DELGADO/O'CONNELL: TO ADOPT THE RESOLUTION NO. 2020-103, APPROVING THE PROCEDURE TO FILL COUNCIL VACANCY; AND THAT POSITION BE AT-LARGE4-1(Urrutia)-0-0 Motion Passes by Roll Call Vote

Public Comments:

- Nancy Amadeo – Was one of those appointed in 2008 and took Gary Wilmot's position. Prior to me Jim Ford was also appointed and when he was appointed, there was nine applicants and it took several rounds of voting before anybody got a majority. When I was appointed there were only four applicants and it was done in a single round of voting. I appreciate the idea of it being a special meeting; Does not remember doing an application beyond what you would do for a commission where you just basically state your name, address and you're a voter in the city; and if you want to attach a resume and state your experience that was ok. But primarily it was that time before the Council that was important. Council didn't asked questions, but you were given your

time to make your statement about why you thought you would be a good choice to be on council. I do hope this council, maybe not exactly but closed to it follows that process. Would rather see is rather than At-large having someone from the District; that means not only would the fulfill the term, but they would also be eligible to run at the end of that term. If they don't live in that district, they don't have the opportunity to run again. I would hope that you consider that, that you're not limiting somebody because they live in another district to only run for the two-years remaining on the term. Thank you.

- Cristina Medina Dirksen – Is there a scoring matrix or is there a matrix that exists where each candidate either fills particular needs or areas of expertise or is it simply a subjective process? Many corporations when they bring executives or people into their boards they'll have designated areas of either expertise or as we look through the lens of equity and diversity whether it's gender or... what can they bring to the council that can fill an important void in the representation of our community? It makes perfect sense to make it districted because as know the Census will change our boundaries again. It makes much more sense if we're moving to this representation of communities in a districted manner to have somebody representing that particular district. I urge transparency so for sure a special meeting on this where it's widely disseminated as we are having more town hall meetings it seems many more people are joining these conversations and for that I'm extremely grateful and extremely energized. So, lets take that momentum, lets open it up to everyone and anyone and let's seize the moment of what's going on in our country in terms of wanting to be part of our government and having a say.
- Kathy Biala – In choosing a council member in this manner with a vote by only four people when in any other circumstance hundreds of citizens in Marina would otherwise be choosing a council member is quite unusual and a big difference. I am in favor as with Nancy and Cristina of taking from a pool from District 1 for the same reasons that Nancy has articulated already. Troubled by only a three or four-minute presentation by each applicant. Assuming you don't know some applicants well, can you really make a decision based on three-minutes? This feels very much like going through the motions just to fulfill a minimum duty, but our choice of council member deserves more than this. The resolution says the council "may" ask questions of the applicant and I believe the council "must" ask questions, but I also hope these questions are not random as this may favor some applicants and disfavor others. Hopes there is an objective third party to be assigned the task of creating fair, objective and reasonable questions that are then asked of each candidate and each candidate is given an adequate allotted time to respond. Hopes that we take this much seriously than I think the resolution process currently spells out. Thank you.
- Brian McCarthy – Echoed what was already heard. I believe you the council will once again be in a difficult position to try and determine the will of the voters. During districting, the council on the record spoke to the desire of ensuring existing council member were located in the districts in which they lived. As part of the discussion I would be curious to here why the council as a body may or may not support that during this initiative but did support that during the districting process. I think the difference is that during the districting process at least the existing council members were guaranteed four-years as during this process any appointed person would only be guaranteed two-years and if they lived outside the of the district they would most certainly have to step down resulting in a lack of continuity of government. It might be pertinent to mention that voters recently approved an initiative to extend the term of the mayor, regardless of who the mayor is but because those voters appreciated and wanted that continuity of government in Marina. So, this issue of continuity in government is one that I think you really need to ask yourselves about. For that reason, I support what Nancy and other said about pulling someone from District 1 during this process. There's still an opportunity of course to make a substitute motion to allow for that and I think it's something that should be discussed and considered. I like the idea of Mayor Pro-tem

Morton's, here fire and I think we should do it like the Pope does and each council member in unison should light a coed fire from their chimney when this is all done.

9:59 PM

Urrutia/Delgado: to continue the meeting to 10:10PM. 3-2(Morton, Delgado)-0-0 Motion Passes by Roll Call Vote

- Paula Pelot – Having worked in government 26-years and having been sitting here in Marina for 23-years I have to say that I'm astounded to here people say who don't like the process of government and want to replace it with those of boards and directors and private organizations. There's municipal code; the municipal code has been there from day one of Adam's announcement that he made in the paper even though he hasn't put in a resignation officially, yet. It's been there and it's been there for people to read and my sense is that people don't like it because they're concerned about who may come forward from an At-large process. The other thing that I truly disagree with prior speakers is specifically about that; those speakers who spoke for the most part with one exception were the very people who spoke most specifically against district elections. They wanted At-large representatives and this position was elected as an At-large position, so it should go forward as such. I was speechless by listening to the prior speakers on this matter. I support the motion as it is. thank you

Substitute Motion

Urrutia/_____ : to approve the resolution as written with the stipulation that the applicants must reside in District 1 boundaries. Motion dies for lack of Second.

Council Member O'Connell Called for the Question, Second by Mayor Pro-tem Morton. 3-2(Urrutia, Delgado)-0-0 Call for the Question passes by Roll Call Vote

- c. COVID-19 Update and Direction from Council
 - i. City Council consider adopting **Resolution No. 2020-104**, confirming the City Manager/Director of Emergency Services' issuance of a Third Supplement to the Proclamation of a Local Emergency temporarily suspending until September 30, 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 and establishing certain eviction protection requirements. *Continued from July 21, 2020*

URRUTIA/DELGADO: TO APPROVE RESOLUTION NO. 2020-104, CONFIRMING THE CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES' ISSUANCE OF A THIRD SUPPLEMENT TO THE PROCLAMATION OF A LOCAL EMERGENCY TEMPORARILY SUSPENDING UNTIL SEPTEMBER 30, 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 AND ESTABLISHING CERTAIN EVICTION PROTECTION REQUIREMENTS. 5-0-0-0 Motion Passes by Roll Call Vote

Public Comments:

- Ester Malkin – Represents Monterey Peninsula Renters United and wanted to speak tonight to the fact that I wanted to make the council aware of what it happening right now and is connected to the moratorium and these consequences that are coming our way but are also starting now. You may not be aware, but property management companies are sending our to current renters increasing their rents under AB1482, which they are allowed to. You guys need to extend these moratoriums, if you don't extend them and make the consequences of what will happen before and after a serious consideration.

i. ~~California State Guideline~~ ***Continued from July 21, 2020***

ii. ~~Mask ordinance~~

iii. ~~Outdoor dining~~

~~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. ~~Covid-19 Update~~

13. ADJOURNMENT: The Council meeting adjourned at 10:12 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor