



MINUTES

Tuesday, August 18, 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, 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 – significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of CA Govt. Code Section 54956.9: two potential case
 - b. 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
- iii. Property: Marina Municipal Airport, South Tarmac, APN 031-112-002, a portion
Negotiating Party: Joby Aero Inc
Property Negotiator: City Manager
Terms: Price and Terms

Robert Rathie, Assistant City Attorney announced:

(1) that we will have a protocol just in case of any power failures. If the power should go out every half hour after that we will consider that at recess and resume the meeting provided power allows us to do so. If we are unable to reestablish connection tonight what we would like to do when we come back into open session is set up a contingent date and time at which we would continue this meeting as an adjourned regular meeting on Friday, August 21, 2020 at 6:00pm.

(2) We do have an item that has come to our attention this morning and with regret that I have to announce that Council Member Urrutia did submit his resignation this morning at 8:37 a.m. in an email to the deputy city clerk and that resignation took effect immediately. So, there is now a vacancy on the council, and we provided a report at the August 5th meeting on the protocol to procedures to go ahead and fill the vacancy so I won't go into that right now but as far as whether you want to consider finalizing those procedures tonight I believe that you could add that item to the agenda this evening as an item that came to the attention of staff after the agenda was closed and publicized and on which action needs to be taken before the September 1st city council meeting. That item could be added to the agenda with a motion, a second and then require vote of 3 out of the 4 of the council members.

Delgado/Morton: that we add to the agenda adopting a resolution approving the process to fill council seat vacancy as 11b.

Substitute Motion

O'CONNELL/MORTON: TO ADD TO THE AGENDA A RESOLUTION APPROVING THE PROCESS TO FILL COUNCIL SEAT VACANCY AS AGENDA ITEM 11a. 4-0-0-0 Substitute Motion Passes

Robert Rathie, Assistant City Attorney cont....

(3) On August 5th I did provide a report after the closed session to the effect that direction was given at that time to the City Manager to convey information to the Marina Equestrian Association concerning certain operations in the near future that would effect the operation of the Equestrian Center. I do have an update that was provided to me by the City Manager, it's a little unusual but I know this is a item that has taken the attention of the public and in the interest of transparency it would be good to just update the council and the public on what followed the meeting on the 5th. On Friday, August 7th the city manager and recreation cultural services director did meet with the representative of the Marina Equestrian Association Board of Directors. At that meeting the Equestrian Association was informed that the city would be having an item on the council agenda for this evening to consider the demolition of the old Fort Ord stockade. The city had concerns regarding the potential impact on the horses of the demolition activities and on the risks and liabilities and wanted to give the MEA Board of Directors and the owners of the horses as much

lead time as possible prior to the meeting this evening and we were providing a verbal request at that time that the MEA within 60-days may want to vacate the horses from the property in anticipation of the demolition contract. The intent was to give the MEA as much advanced lead time as possible and was not a written notice in anyway or discussion of termination of agreement between the city and the MEA. The city manager and recreation director imparted information the city was continuing to move forward with issuing the request for proposals seeking a concessionaire agreement and the MEA was already award of that issue. The request for proposals will be in accordance with guidelines approved by the council several years ago in conformance with the Program of Utilization for the Equestrian Center required by the National Parks Service. The city informed the MEA that they hoped the MEA would respond the new request for proposal. The city reiterated at that meeting that the city council was committed to keeping the equestrian open and operating. The city requested that the issue be brought to the MEA Board as soon as possible and that this item would be on a Closed Session for the meeting this evening to consider any suggestions or proposals from the MEA. A proposal was received by the MEA Board of Directors on August 15th and will be considered by the council.

We will take public comments on matters on the agenda this evening and one of those matters in the closed session but we would ask that public comment on the closed session be restricted to that item, which in case of the MEA it is just concerning price and terms of negotiation between the city and the MEA.

Public Comments on Closed Session Items

- Brian McCarthy –In the last 24-hours two devastating fire have broken out and necessitated the use of the Equestrian Center as an emergency backup site for animals throughout the region. The Marina Equestrian Association has really shined and provided service to our neighbors in need. To have an eviction in this time of not only a fire crisis in our region but certainly Covid-19 when people are struggling to pay their rents anyway is unconscionable. Heard that the National Park Service may take the land if the use in not appropriate. I think the National Parks Service is going to understand this post Covid-19 world and understand that things are a little bit different and understand that evictions may not be necessary or warranted at this time. Major changes at the equestrian center are long overdue and necessary but we need to ensure participation from everyone. I look forward to seeing that happen. Thank you
- Kyle Solevan – We are currently evacuating animals as we speak. Wanted to provide council with an update. We currently have 68 animals here and more arriving shortly. We are using this facility for public access; we are helping our community and truly with the safety and wellbeing of the animals as our priority. I hope you will consider that in moving forward in your closed session this evening. Thank you
- Emilee Burton – Works for a nonprofit called Hope Horses and Kids and we are a huge advocate for this horse community. We need places like the Marina Equestrian Center to stay open. There is nothing more important than having places like this to go in a time of need especially when we are dealing with not only Covid but major fires. We need to work together and figure how we can come to an agreement that works for both the City and Marina Equestrian Center. This community is here to stay, and we are not going anywhere, and we need all the support we can get during a time like this in the middle of a pandemic and the fires. We cannot take this away from our community. Our nonprofit works with kids and adults with special needs and if we were not here today, we may not have a program for the future. We must say 60-days eviction be rescinded; we need to stay here. We need to work to make this possible for all involved. Thank you

- Nichole Fisher, President Marina Equestrian Association – The 60-day notice especially now that we are evacuating many of the equestrian facilities that we would possibly be going to if we were needing to relocate for whether it be a temporary or permanent purposes may not be there anymore. There were already a low number of places to go and now there's probably even fewer. As the Board goes for the association, we would like to be at the table for any of the conversations about negotiations. We're not afraid of communicating with the city council; we encourage any communications and we want to in communications and helping the city council, city and community as much as we can. We just want to be at the negotiation table. Thank you
- Kathleen Vin, President of Monterey Bay Equestrians – Our concerns are the closure will close tail access. Closing down for now even on a temporary basis would close out access to utilize the arena and restroom that they maintain here as for a staging area. We are concerned about giving 60-days during Covid-19 for people to move their horses.
- Kelly Vasquez – Voice opinion that the 60-day notice whether its oral or written be rescinded. We are currently in the midst of an internationally pandemic and national crisis and now a fire emergency all of which make the evacuation of over 60 horses impossible and unconscionable. We ask again that it be rescinded. Also asked that a minimum we be allowed to continue on a month-to-month lease of the term that it is currently at and have that lease term extended because again during these particular times it is extremely difficult to find housing for our horses much less housing that is reachable as the Marina Equestrian Center is.
- Aina Gessaman – The 60-day notice is unconscionable in times of pandemic. People have limited hours and some have lost their jobs and to be able to move to another place is just impossible because not only financially but then physically there isn't room, before the fires there wasn't enough room in the barns for 60 horses locally. Believes the 60-day notice should be rescinded and encourages a longer lease.
- Margaret Davis, President of Fort Ord War Horse – Boarding at the MEC for 9-years and it would be malefices on the part of the city to sign a new lease with the Marina Equestrian Association. The city entered into a contract with MEA 20-years ago and MEA agreed to assume responsibility for developing a public park according to a 5-year plan. After 5-years the MEA failed to fulfil the terms of the contract and the city faced the real possibility that the National Parks Service would take the land back. MEA is not an asset of the MEC and it's outrageous to consider any further contractual agreements. As a horse person 60-days is enough to move a horse if you're motivated especially considering the public has been denied public access for 20-years.
- Michaela O'Brian – Has used the Equestrian Center extensively over the last 6-years. I believe the 60-days should be rescinded to give them time and, I would like that they are involved in negotiations and thank you for allowing us to talk. The Equestrian Center is a big asset to both Marina residents and everybody in this community.
- Krystal Giacomelli – We would like the 60-day rescinded. We have a horse at the MEC and that is not enough time to move one horse let alone 60. We remain open and have been there the last few days help out community and are always open in emergency situations like this and not just because of the fires. We are open 365-days. Moving forward with our lease agreement I think month-to-month bare minimum and ideally much longer than that. we are an asset to the community, and we are much needed. Thank you
- Angela Miller – With the lease agreement, how is the tenant supposed to invest in the facility when they are month-to-month? It's not plausible for the tenants. They do what they can, and you need to consider that. we put a lot of money by volunteer work not by cash into the facility to keep it safe and available for public access. We need to keep the 60-day rescinded. It's impossible to move during a pandemic. We're going into a recession and there's fires all over the place. It's unacceptable to ask this of the members here.

- Lindsay Beery – Last week we received a verbal 60-day notice from City Council pending a vote that will cast tonight. I want our city council members to know that a 60-day notice to bring this situation and crisis that we're in is morally reprehensible. I hear people on here wanting to mince words saying, "we just wanted to give you a head up so that you can get a head of the demolition, we weren't kicking anyone out". The Community is watching to see how you respond to its needs and right now this equestrian center is not only needed as managed it is essential. Thank you
- Richard De Andrade – Thinks the 60-day notice should be rescinded and considering the current conditions with fire, the environment and all the other things there should be a discussion with the Board of the Equestrian Center to discover ways to work together and work through this so that there could be a facility in place; considering the current situations and then work on a longer term plan to provide the POU's as dedicated by the National Parks Service in Trust for the land so that it can be a public benefit. The 60-day notice to vacate the premises is too short and no need for it.
- Jasmine Rubacobba – Asked that the 60-day verbal contract be rescinded. Our horses are surrounded by large trucks and lots of noise and I believe that their safety will be ok during the demolition of the stockade. Thank you.
- Unnamed speaker – 60-days is not enough time. This is really the only city park managed by the MEA. We would love to work with you, and we wish you would give us more time. We are very welcoming here and we would love to be docents and work with your guys, so please give us a chance. Thank you
- Chris Manuel – Retired military. Moved back to this area because of the MEA. The 60-day notice should be rescinded. Thank you
- Jennifer Pendergrass – Feels that the 60-day eviction should be rescinded. Seen firsthand the emotional toll this has taken on all the members here and the community and on top of the national/global pandemic and now the fires we are going through a lot. To require these people to find alternative long-term lodging for horses at this time seems unreasonable and immoral. There is a serious lack of potential locations and that now even less and those locations are more costly by a lot. Request council oppose the 60-day notice.
- Lindsay Alexander-Beavers – Aware of the month-to-month lease when boarding my horse. I've heard some community comments questioning why 60-days is not enough time to get our horses out when we've been aware that we've been on a 30-day lease but I ask the council do you all have a contingency plan in place if you lose your home? There are a limited number of horse boarding facilities on the peninsula and due to current events, several facilities have closed or stopped accepting new boarders. Please allow the Marina Equestrian Association to continue its month-to-month lease while the city works on developing its RFP. We look forward to responding to that RFP. Thank you
- Paul Beery – Has an issue with transparency regarding the decision making process from the previous closed session that resulted in the determination that the 60-day notice was a necessary consequence of the assessment by council that the demolition of the stockades would negatively impact the health of the horses at the Marina Equestrian Center. Based upon my conversation with both Mayor Delgado and Layne Long my understanding is that the direction to vacate from council is based upon a veterinary assessment that the health of the horses would be compromised. Spent time getting similar assessments from additional vets and the general consensus has been that the assessment you've gotten is at best speculative. Requested that council provide the documentation that lead them to the original assessment.
- Steven Martin – Thinks the 60-days is unfounded as the horses have been living here at the MEC next to the stockade for as long as this facility has been opened. There are numerous heavy trucks and industry that happens at the stockade. The horses have never reacted adversely to that noise

and as of recent there has been large construction equipment approximately 100-yards across the street on California removing old building material. There has been 45 horses and numerous other animals brought to this facility because of the fires and speaking of the 60-days, some of these animals have nowhere to go. Some of these people may have lost their houses.

- Vivian – Asked that Council rescind the 60-day notice, thinks it's unfair. These horses live in a lot of noise and dust and wind. They're used to that kind of environment. You must know that around this community the prices of boarding a horse is extraordinarily high. Most people don't have those deep pockets to pay \$400-\$900 a month. I support keeping the facility, letting the horses be here during demolition and rescind the notice so we can move on.
- Sophia Taylor – Evacuated from River Road and the MEA/MEC welcomed us with open arms to the center. All of our animals are staying there right now, and they are taking amazing care of them. It's good to know that there's a community and center that have the resources available to us. I hope this facility can stay open for the community.
- Jane Minglana – I have been with the Monterey County Equestrian Center since they opened in 1995 when they took over from the military. To evacuate all the horses from where they are right now would be a bid hardship. We have gone through so much noise and all kinds of stuff over the years and it's never affected the horses bad. I hope you reconsider your decision about evacuating all of us in 60-days.

7:30 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 this evening and received information and provided direction on two matters of anticipation of litigation, exposure to litigation; Council met on one matter of real property negotiations concerning the Marina Equestrian Center. Concerning that matter, the Council is rescinding the verbal request given on August 7 for the temporary removal of the horses from the Marina Equestrian Center. Council will be considering later tonight a contract for demolition of the Stockade. If that contract is approved the Council is committed to remain in close contact with the Marina Equestrian Association concerning the schedule for demolition activities.

4. MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE (Please stand)
5. SPECIAL PRESENTATIONS:
 - a Monterey-Salinas Transit Board Presentation
 - 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.*

BERKLEY/DELGADO: TO LIMIT PUBLIC COMMENT TO TWO (2) MINUTE ON NON-AGENDA ITEMS. 3-1(Delgado)-0 Motion Passes by Roll Call Vote

- Rick Reinfurt – Good evening, Mr. Mayor and councilmembers. My name is Rick. I would like to read verbatim statements written by Councilmember Frank O’Connell and would like these entered into the public record, please. (Attachment 1)
- Kathy Biala – Read a statement into the record regarding Council Member Frank O’Connell (Attachment 2)
- Harvey Biala – Read a statement into the record regarding Council Member Frank O’Connell (Attachment 3)
- Catina Smith – Appalled that a Council Member would use his status and power to intimidate a member of this community, it’s wrong. Since I began engaging this community as a person of color, I’ve been disappointed over and over when it comes to issues of race and equity. Consistently keep hearing that Marina has no problem between races, that we don’t need a system racism study, it’s a waste of money and that people who talk about race or divisive in hurting our community. What’s really hurting our community are people that deny the difficulty of others and dismiss attempts and opportunities to really talk about the very real challenges people in our community deal with. We have a lot of work to do and it seems like we’re stuck. I don’t think Marina is full of racists because I’ve met people who are not. They’ve encouraged me and supported me during these recent violations in my freedom by racists in my community that believe I don’t have the right to fly a flag on my own property that says my life matters. That says to me that it’s ok to have rights on paper but when I demonstrate my rights and protest with a flag well that doesn’t work, not in my backyard.
- Andrew Turnbull – Horses can be desensitized to frightening but harmless stimuli more quickly than any other domestic animal. If the horse did not quickly desensitize to such stimuli once they determined it was harmless it would never stop running. So, the easily frightened horse once it’s convinced what frightened is harmless soon ignores it. Dr. Robert Miller explains why Steinbeck country equine veterinary refuted the claims that demolition on nearby property would be a threat to the operation of the Marina Equestrian Center. Stated he would send the Council an email with the 4-minute discussion he had congratulating you on the equine assisted therapy for humans that you have in place; to congratulate you on the fact that you have this excellent place for horses to come in the middle of a fire and I think you guys have a great center and I hope you support it.
- Cristina Medina Dirksen – Is there a policy with communications between council members and constituents/residents? If not, why? What parameters of communications are appropriate or not using your name as a council member or the seal of the city council? We had an issue earlier this year and this is something the council should address. Much thanks for all you do.
- Elizabeth Billingsley – Spoke about horses during war times and with all the bombing and noise the horses acted like nothing was going on. They were ok, so I don’t see why if their demolishing the prison over there the horses would be affected by that. I saw it firsthand. Also, where would these people take their horses to? Need to think about the good the horses and people do for the handicap and the people with PTSD.
- Fred Watson – Wanted to speak on agenda item 11c and given the light staff and the large number of speakers asked if council would consider continuing that item as it does not appear to be terribly critical and there might be a lot, so much before then the meeting might not reach that item. Thank you.
- Danielle Burchett – Heard a lot of white neighbors telling racially minoritized neighbors that they’re offended by their actions. Offended on Next Door by black neighbors hanging Black Lives Matter flags; offended at a Latino mayor for sitting on a piece of concrete while leading the effort

to raise over \$15,000 to get an MLK statue reinstated; offended by Asian-American city council candidate for possibly using terms like black and brown. These behaviors are disheartening to me and particularly concerned that a sitting council member is permitted to use a position of power in a community newsletter to repeatedly harass the city council candidate. Council Member O'Connell asked Marina voters whether we would vote for a candidate who conduct shows their racist; fortunately, with you not running for re-election voters won't need to decide whether or not to vote for someone who doesn't understand that black and brown are commonly used terms to refer to minoritized population. Is it an abusive power for a sitting council member to use their newsletter to repeatedly publicly harass a constituent and candidate? What actions can be taken to file formal complaints regarding the abuse of power and what would the consequences be? What is the timeline for getting a study of racism in our city leadership underway?

- Karen Andersen – I have been privy to Council Member O'Connell's email to Kathy Biala regarding her alleged request for people of color to stand with her for a photo-op. For the record, this photo was taken by a hotel staff member who was impressed by this group's presentations to the California Coastal Commission's March 12th meeting that she insisted she take picture of all the attendees to commemorate the event. Do you recognize the Marina members of Just Water? You should because they live here and have been representing Marina's best interest on this important issue. On March 12th this group traveled to Scottsvalley to make additional statements during the California Coastal Commissions public comment period to request that they deny CalAm's permit application. Everyone household in Marina or customer of the MCWD should be proud of the organizational zeal and passion Kathy Biala represents on behalf of all of us. It is an honor to be part of Just Water committee and thank you for the time tonight.
- Carissa – Frank O'Connell accused Kathy of using people of color because of their color. Then he proceeds to tell her to publicly announce why she did so; and if the information is not true, he would do everything he could to squelch it. How this reads to me is a man using lawyer talk to be as intimidating as possible to make Kathy either back out of here campaign or make her feel scared. Here is the real problem, Frank being a white man felt secure enough with is position in society to make nasty remarks and not expect to get push-back. Kathy on the other hand debated long and hard about whether or not to ever discuss this behavior because she knows she will receive push-back. She is a woman of color and she has experienced it her whole life. Smearing a candidate for the sake of political sabotage is absolutely inappropriate but unfortunately a norm in our country. Frank are you willing to apologize to Kathy and it there a way for emails to go un-noticed?
- Nancy Amadeo – Spoke about being an absentee voters and have always delivered our ballots early to City Hall and since City Hall is now closed to the public wanted to know what other site is available for us, the public to deliver our ballots to prior to the day of the election? As senior citizens we are uncomfortable going to our voting place so we would certainly like to do something that is less likely to involve the public, where we can put ballots in a secure drop box and not rely on the postal service. If that question can be answered to night or at the next meeting, I would appreciate it.
- David Brown – Council Member Frank O'Connell in an emailed newsletter, identifying himself as a Marina Councilman, recently misused his position as a council member to publicly criticize water activist and planning commissioner Kathy Biala supposedly for grouping people of color in a photo illustrating the opposition to the CalAm Desal Plant was opposed overwhelmingly by Marina residents, which is opposed by a cross section of our ethnically diverse city. What is wrong with that? She had people of diverse ethnicity posed with white males for a photo illustrating Marina's diversity and diverse opposition. For this, Councilman Frank O'Connell directed the word racist at Ms. Biala, shame on you Council Member O'Connell. What Council Member O'Connell has done is he has engaged in a race baiting attack on a woman of color for her advocacy on behalf of Marina residents of diverse background and added his official title to it.

- Phuong Nguyen – Kathy Biala has always expressed abundant pride in Marina’s multi-culturalism; shown a passion for building friendships with everyone imaginable and she knows firsthand what a fantastic thing we have here in Marina. In no other city on the peninsula do you see this diversity of Asian Americans, Latino American, Native Americans and White American living side-by-side. I was happy to hear that Ms. Biala would be running for the City Council, so were many other residents of Marina. It means they will have an incentive to get involved in our democratic process because there’s somebody they personally know whose running for office. When I heard that a Council Member Frank O’Connell was involved in race baiting with Ms. Biala, I was left disheartened and disappointed. Ms. Biala has dedicated her life to building bridges and opening doors for people of all background and of those who are unrepresented and intimidated with bureaucracy. Whether Ms. Biala wins a seat on the council is up to the voters but the least we can do is congratulate her on running, on hopefully get more people engaged in the political process because when that happens, we all win. Candidate should run on their experience, their plans and vision. There is no place for smear campaigns or intimidation tactics. Whether those kinds of scare tactics remain in the past is all up to us and I urge everyone to abandon those kinds of politics of fear and demagoguery. Let’s follow Ms. Biala’s example to bring us all together to build a better Marina.
- Sandi Cornfield – We have a 2 ½ year old grandson and trying to find things to go out and do during Covid has been really tough. The one thing that bring my grandson great joy is to go out to the stables to see the horses, have a little picnic and get to talk to all the volunteers out there working. He’s able to start learning about the environment, how to take care of an animal and to enjoy the squirrels and the other animals out there. I just hope that when this is reconsidered that you really keep the stables. It’s really an amazing place and hopes when he’s old enough he can take lessons out there.
- Peggy O’Connor – I don’t live in Marina but live close by and having the Marina Equestrian Center as a resource has been a godsend, doing good. There was not a lot of places that I could ride my horse and horses are being squeezed out of society for whatever reason and I don’t understand that. I really hope that you will keep the Marina Equestrian Center a viable alternative to people who want to ride. With the big fire on River Road it has been a sanctuary for horses and other animals so I would really hope that the City Council would reconsider terminating any kind of contract with the Marina Equestrian Center.
- Kathy – Wanted to respond to the previous speaker. Not sure if she was aware but there is the Monterey Zoo, which is an amazing place that is open currently. It’s a nonprofit organization run by Charlie. He has all kind of animals to look at for a reasonable price. It is open from 10:00am to 7:00pm 7-days a week.
- Krystal Jacomelli – We are part of the Marina Equestrian Association and wanted to let the council know that there are people in their trucks with trailers hauling animals that will probably not have a place to return to due to the fires. I love the Marina Equestrian Association and have been a member at-large for 4-years and when I first found this area, Marina, I was just in love. I know that we are not the most beautiful and we know we’re not, but we’re up for change and fixing it but our horses are safe, well loved and fed and I think we have enough community members and veterinarians that will reiterate that thought. We love our horses and I really do believe that we would want to see each and every one of you council members out there. I would love to personally walk you through.
- Margaret Davis – It’s important to understand how Marina acquired the MEC and why. The City applied for the land through the National Parks Service to develop a public equestrian center and park with public access and trail connections. The land transfer was conditioned on this use which was incorporated in 1998 the quitclaim deed as a city obligation forever. MEC’s Program of

Utilization was approved by NPS in 1998; the city then entered a contractual relationship with the MEA Horse Club, which agreed to develop the public park according to a 5-year plan. In 2005, MEA had failed to perform and Marina issued an RFP for a concessionaire, then sold it to a nonprofit. Gail Morton got a hold of the quitclaim deed, identified the legally enforceable covenant and drafted a petition to National Park Services to hold Marina to its responsibility for a public park and equestrian center. In 2012, the city established an ad-hoc committee to discuss developing the park. MEA and Friends of the Fort Ord Warhorse were full members of the committee. Many formal agendaized public meetings were held, findings were incorporated into an updated Program of Utilization; MEA was heard and very much was part of the process. In 2017, NPS informed the city that private horse boarding was not allowed. MEC is supposed to be a public park for us all, for horses, biking scouting, education, history, parties, Bauchi ball, etc. Council give us our public park; issue the RFP, thank you.

- Liezbeth Visscher – 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. Please visit our website www.citizensforjustwater.org and click on Sign up for Updates to be added to the email list. On Thursday, September 17th the California Coastal Commission will have a special Zoom meeting to decide whether to approve CalAm’s project or not. We need many people who can speak for 1-minute during the public comments. Please let us know if you are available to speak in the afternoon of September 17th, we can provide a script for you. More and more signs with the Snowy plover and the words Stop CalAm are being displayed in Marina and East Garrison. These window signs can be downloaded from our website www.citizensforjustwater.org. We ask everyone to print this 8.5 x 11 mini poster and to display it in their windows, then 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 requesting to deny CalAm’s proposed slant wells. Or please visit us at the Farmers Market every Sunday between 10:00am-2:00pm to get information, pick up a window sign and have your photo taken right there. Thank you.
- Paul Beery – Spoke earlier about the challenge of make a medically prudent decision about the health of my horses and I’m happy to hear there’s no immediate need to continue my investigation of that issue. I was discussing this issue with the Equestrian Center with one of my brothers and one of the things that occurred to me was I’ve always taken it for granted that things like public recreation would be readily available. In my experience every military installation emphasized the importance of recreation programs that serve the need, interests, health of every soldier and every family member and by doing so they foster a community of active like minded individuals who prioritize outdoor recreation as well as physical fitness and health. While that’s a nice sentiment it’s also one difficult to execute without enormous investment. The City of Marina and this Council has supported the publicly accessible affordable equestrian center that continues that legacy and once again I’ve taken the organization that’s made that possible for granted and I wanted to remedy that by saying thank you.
- Crissela – Thank you for the decision made in Closed Session. After surviving a terrible situation of domestic violence, I had the opportunity participate in a therapeutic equine training session at the Marina Equestrian Center. It was and remains to be one of the most powerful experiences I’ve had the honor of participating in and I’m ever grateful for the feeling it has and continues to provide me. This facility and members have always welcomed me and openly taken the time to educate both myself and several members of my family in the loving nature of these precious animals. I came from a childhood that only saw horses as an animal that only the rich could own; the Marina Equestrian Center and the MEA has proven to break that barrier and given the opportunity to the everyday family. In fact, as mentioned earlier several members of the MEA are

currently working at this very moment to emergency evacuate several horses and relocating them to the MEC. They are for our community.

- Greg Furey – Having witnessed the attempted character assassination of the one of the finest people I’ve ever know, Frank O’Connell, but I don’t say that because my affiliation with him as a politician or local council member but because I know a lot about him and the humanity that he’s practiced in his law practice. There are dog whistles in every form. They’re most frequently associated with white Caucasian males blowing a dog whistle on someone of color. Kathy Biala has been a friend of mine and I’m going to accuse her now of blowing the dog whistle. There isn’t a racist bone in Frank O’Connell’s body. I’m ashamed of you folks, because this is all orchestrated. Frank’s put 12-years of hard work into this city, saved the city millions of dollars. Call me whatever you want, I know who I am, and I know I’m fair. I don’t judge people by the color of their skin but by the content of their character. Frank’s character is 100% gold plated.
- Lindsay Alexander – Thank you for rescinding the verbal 60-day notice. The people at the Equestrian Center are incredibly motivated to move forward and work with the city for the safety of the animals. We thank you for that consideration. Thank you
- Ray Martin – Thank you very much for your decision in Closed Session, it’s brought a lot of relief to a lot of people out there, us and everybody else. We thank all the kind words everybody has said tonight. I want to address another item and that is with the person on your staff that has done a tremendous amount of work in the community and it’s your Recreation Director Terry Siegrist. He is an amazing an and he’s not recreation, he does everything. You need to commend him, thank him for all that he does for the city.
- Jane Minglana – Thank you for rescinding the 60-day eviction. The stables are like a second home to me, I spend most of my time at eh stables. Lives in Seaside but heart lives in Marina with her horse. Please try to keep the stables open for as long as possible because you have the Sgt. MacDonald Trail out there and my father’s first horse Comanche’s grave out there, so if you just keep in mind that the stables is all part of that. My dad reopened the stables for a purpose and maybe the fire was one of the purposes he had maybe prepared for and luckily the stables were there for the people who needed it. Thank you.
- Dusan Tatomirovic – I think that Frank O’Connell has been unjustly attacked tonight and very surprised at the well-coordinated attack definitely from an unexpected angle. I have know Frank for some 14-years now and in every communication I had with him, in every instance even if we disagreed I’ve never heard Frank or seen Frank as being a racist or being intolerant to any group being colored, non-colored or LGBT. This is completely unwarranted and unfair.
- Brian McCarthy – As one of your Planning Commissioners we have talked frequently the idea of climate refugees. As critical decision makers for our city I invite you and staff to really look around this week through the lens of climate refugees and yes maybe that even includes the horses that we’re currently housing and think about impacts this promises to have on our city going forward. The issues of global warming and environmental impacts promise not to subside any time soon. As a military child, career military contractor having serves several years in the war zone of Iraq and as the military spouse of an actively serving military soldier today I too look forward to the use of Equestrian Center that preserve and protects the rich military history this site can serve. Tonight, has shown the city that there is extreme interest in public participation in the future of the Equestrian Center. Please make sure the use of this center going forward, the decision going into that use is open to the public in the broadest sense possible; that we don’t rush into dusting off 20-year old plans and just simply using those without further question, discussion or debate. I look forward to the city preserving the rich military history and addressing the issues we discussed.

- Kim Stemler – For 16-years I’ve walked my dogs around the stockade and the Marina Equestrian park and my heart aches looking at the hazardous conditions at the Marina Equestrian Center. I get so sad looking at how these horses live. I know nothing about horses, but my heart knows when things are wrong. As public servants you have the responsibility to ensure that you are adopting inclusive practices and safe practices in public parks and what I have seen is not safe. I know people are so attached and so committed to this park and I am committed to keeping horses and the rich history, but I’m more interested in making this area inclusive. This has been a spot that has been available to just a privilege few of private horse owners and some public programs and that makes me ill. Would like clarification on whether we can lose the property because what mostly happens there is privately owned horses. If that is legal, I am all for, after the stockade is taken out creating a situation where we make a scale where there is affordability in horse boarding.
- Brian McMinn, PW Director – Announced over the last year we’ve made progress in the projects that are in the FORA CIP and one of those projects was Salinas Avenue and we’re still quite a few years out from actually doing any construction of that road but we did progress the environmental document and have it ready to circulate now. Staff will be sending out notices to the residents on that street and have scheduled Zoom meetings on September 2nd one at 3:00pm and the other at 6:00pm so we can give them an overview of where we are with the project prior to issuing the environmental document publicly. This is a chance for them to ask questions and provide some input.
- Council Member O’Connell – At the MST meeting on August 10th I had placed on the agenda for Board consideration the possibility of having the Martin Luther King Jr. bust displayed at the Marina Transit Exchange and I’m happy to announce that the Board unanimously approved giving direction to the MST staff enter into discussions with the City of Marina regarding the possibility of displaying the bust at the transit center on DeForest and hopefully the Executive Officer will contact the City Manager and staff to address that and hopefully come to a conclusion as to whether or not that is proper. As to the other matter relating to Ms. Biala. (Attachment 4)
- Mayor Delgado – Response to Council Member O’Connell’s comments (Attachment 5)
- Dr. Karen Pauline – Horse people rally together especially in California fires and unfortunately, we’ve gotten good at it. It’s always beautiful and commendable and usually the whole community rallies together from far and wide. The MEC is supposed to be a public park and supposed to be a full-time horse running facility with full-time lessons and I love that people care about being with the horses there and having the horses there but it’s not meant for having private horses. There should be full-time programs for the children there. We can just to fix up the facility and being told for a variety of reasons we discovered the operating agreement with the city and also the long history of this building. That is the last complete US Army Equine Veterinary Surgical Hospital in the country.
- Mayor Pro-Tem Morton – I have had the pleasure of serving on this City Council with Council Member O’Connell and on the FORA Board which is often a very adversarial situation with regard to protecting Marina’s interest. I practice family law and I’ve had cases where he is my adversary and I have always found Frank to be very respectful, a person of integrity, honest. I have never experienced anything that I would characterize as racism but I do also understand that I don’t have that perspective personally but if in fact things are ever said in our community among ourselves the Mayor’s point about having a rich discussion is well taken. We should have that rich discussion and we’ve set aside \$45,000 to try to get somebody in to facilitate that rich discussion but I did not feel that how this issue came before us this evening was a rich discussion, it felt like it was an attack. I don’t know what’s in the email. I wasn’t involved in any of this. So, I look forward to that study coming forward because I do want us all dialoging. It’s not this issue it’s a general issue that permeates our society and all of us are trying to be keenly aware it. 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 95658-95778, totaling \$1,715,308.58
Accounts Payable Successor Agency Check Number 52 totaling \$318.28
Wire transfers from Checking and Payroll for June 2020, totaling \$960,652.98
 - b. MINUTES:
 - (1) June 23, 2020, Adjourned 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. 2020-105**, declaring growing weeds, rubbish and/or refuse accumulations upon certain specified private property parcels to be public nuisances; authorize notice to abate such nuisances; set public hearing date of Tuesday, September 1, 2020, to receive objections to abate such weeds, rubbish and/or refuse; set public hearing on or after Tuesday, October 6, 2020, to confirm any assessment of costs for weed abatement to be levied against any parcel not in compliance, and; direct filing of such levy with Monterey County Auditor-Controller's Office.
 - g. APPROVAL OF AGREEMENTS
 - (1) City Council consider adopting **Resolution No. 2020-106**, approving advertising and call for bids for the City of Marina Municipal Improvements On-Call Contract 2020; and, accepting the Specifications.
 - h. ACCEPTANCE OF PUBLIC IMPROVEMENTS:
 - (1) City Council consider adopting **Resolution No. 2020-107**, accepting the 2019 Citywide Street Repair Project, and; authorizing filing of Notice of Completion with Monterey County Recorder's Office.
 - i. MAPS: None
 - j. REPORTS: (RECEIVE AND FILE):

(1) Monterey-Salinas Transit August 10, 2020 Board Meeting Highlights

- k. FUNDING & BUDGET MATTERS: None
- l. APPROVE ORDINANCES (WAIVE SECOND READING): None
- m. APPROVE APPOINTMENTS: None

DELGADO/MORTON: TO APPROVE THE CONSENT AGENDA. 4-0-0-0 Motion Passes by Roll Call Vote

DELGADO/MORTON: TO POSTPONE AGENDA ITEM 11C, DEL MONTE EXTENSION TO FRIDAY. 4-0-0-0 Motion Passes by Roll Call Vote

9. PUBLIC HEARINGS:

- a. City Council consider opening a public hearing, and; consider introducing an ordinance for first reading by title only deleting Municipal Code, Title 8, Chapter 8.24 “Security and Fire Alarm Systems,” and replacing it with new Chapter 8.24 “Alarm Systems”.

Mayor opened the public hearing for public comments

- Brian McCarthy – Talked to the Fire Chief about this issue before and today I exchanged an email with him as well and that is as Marina builds up new homes there are new types of fire alarms, specifically there are fire sprinklers that are built out in these new homes and there are bells that are generally associated with those so when the sprinklers go off the bell rings. The problem is living in a coastal town we are susceptible to a larger amount of rust than most towns throughout California. What happens in some cases and certainly in case of my house which is equipped with two fire bells and sprinkler systems they have both rusted and fallen off so if my house catches on fire my neighbors are not going to benefit from the protection that those bells offer until I get those bells fixed. Some coastal towns such as Fort Bragg, California has enacted in their ordinance language that require annual inspections for NFP25 and reports provided to the fire chief. I hope I can continue to have discussions with the Fire Chief and that you will consider this maybe as part of this ordinance should there be an inspection requirement.
- Elizabeth Billingsley – I have alarms in my house, but I couldn’t have sprinklers because I don’t have a ceiling, I have open beams so where would that leave me?

Council Question: How old are the current fees? Are these fees adequate to cover our costs?

DELGADO/MORTON: TO APPROVE INTRODUCING AN ORDINANCE FOR FIRST READING BY TITLE ONLY DELETING MUNICIPAL CODE, TITLE 8, CHAPTER 8.24 “SECURITY AND FIRE ALARM SYSTEMS,” AND REPLACING IT WITH NEW CHAPTER 8.24 “ALARM SYSTEMS”. 4-0-0-0 Motion Passes by Roll Call Vote

- b. City Council adopting **Resolution No. 2020-108**, approving Updated Cannabis Business fees in accordance with the 2018 Voter Approved City of Marina Commercial Cannabis Business Activities Ordinance; and authorizing Finance Director to update the City-wide fee schedule accordingly.

Mayor opened the public hearing for public comments: None received

Council Questions: None received

BERKLEY/MORTON: THAT WE ADOPT RESOLUTION NO. 2020-108, APPROVING UPDATED CANNABIS BUSINESS FEES IN ACCORDANCE WITH THE 2018 VOTER APPROVED CITY OF MARINA COMMERCIAL CANNABIS BUSINESS ACTIVITIES ORDINANCE; AND AUTHORIZING FINANCE DIRECTOR TO UPDATE THE CITY-WIDE FEE SCHEDULE ACCORDINGLY. 3-1(O'Connell)-0-0 Motion Passes by Roll Call Vote

10. OTHER ACTIONS ITEMS OF THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: *Action listed for each Agenda item is that which is requested by staff. The Successor Agency may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

9:55 pm

O'CONNELL/BERKLEY: TO EXTEND THE MEETING TO HEAR THE NEW 11A AND ADJOURNED TO FRIDAY, AUGUST 21, 2020 AT 6:00PM. 4-0-0-0 Motion Passes by Roll Call Vote

11. OTHER ACTION ITEMS: *Action listed for each Agenda item is that which is requested by staff. The City Council may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

Note: No additional major projects or programs should be undertaken without review of the impacts on existing priorities (Resolution No. 2006-79 – April 4, 2006).

New Agenda Item 11a - City Council consider adopting **Resolution No. 2020-109**, approving the process to fill council seat vacancy

Robert Rathie, Assistant City Attorney - Council Member Urrutia did submit his resignation this morning at 8:37 a.m. in an email to the deputy city clerk and that resignation took effect immediately. So, there is now a vacancy on the council, and we provided a report at the August 5th meeting on the protocol to procedures to go ahead and fill the vacancy. The City Charter, Section 1.03 states: "that a vacancy in the elective office of council member shall be filled by the appointment by the council. Such appointee to hold office until the next general municipal election and until a successor is elected and installed. The council has a 40-day period within which to fill this vacancy. Should the council fail to act within that 40-day period then that task would fall to the Mayor.

The deadline for placing a seat on the general municipal election ballot for November 3rd was 113-days prior to that election, which passed on July 13, 2020. So, therefore, it is not possible to put the seat on the election for the general municipal election to be held in November.

The Charter does not allow for a special election to be called to fill the council vacancy instead it requires that the council or mayor appoint a person to fill the vacancy and that such appointment continues until the successor can be elected at the next general municipal election, which would be November of 2022.

As you know council recently transitioned to district election so the inquiry logically would be must Council Member Urrutia's seat be filled by someone from his District 1 area or can it be filled by an applicant city at-large? The answer is because the new vacant seat is at-large, an at-large seat. Adam was elected at-large, the appointed replacement can be filled from the city at-large. The appointee could but not necessarily reside in District 1. The council member elected term was set to expire November 2022 and at that election his seat could be filled only by someone from District 1.

DELGADO/BERKLEY: TO APPROVE RESOLUTION NO. 2020-109, APPROVING THE PROCESS TO FILL THE CITY COUNCIL VACANCY. 4-0-0-0 Motion Passes by Roll Call Vote

Council Questions: None

Public Comments:

- Brian McCarthy – Announced his intent to apply for this vacancy. Do you want to clarify the way in which you choose to vote on applications? Will you wait until a motion is made and then seconded? Will you choose voting order by lottery? How will that work? It doesn't seem to be clarified in the actual procedure.

- ~~b. City Council consider adopting Resolution No. 2020 , awarding the Base Bid and Additive Alternate Bid for the Stockade Complex Hazardous Material Abatement and Building Removal Project to Resource Environmental Inc. of Long Beach, California in the amount of \$1,165,000, and, authorizing the City Manager or designee to execute contract documents and all change orders on behalf of the City subject to final review and approval by the City Attorney, and, appropriating \$2,050,000 in funds received from the former Fort Ord reuse Authority to the stockade removal project (project #HSF2101), and, authorizing Finance Director to make necessary accounting and budgetary entries.~~
- ~~c. City Council consider adopting Resolution No. 2020 , approving Amendment No. 1 to the On-call Construction Management and Inspection Services between the City of Marina and Wallace Group, Inc. to increase the annual contract limit to \$600,000 per fiscal year; and authorizing the City Manager to execute the amendment on behalf of the City subject to final review and approval by the City Attorney.~~
- ~~d. City Council consider adopting Resolution No. 2020 , receiving a presentation & providing comments on the Del Monte Boulevard Extension and Patton Parkway Connection Project.~~

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 meeting adjourned at 10:25 pm to **Friday, August 21, 2020 at 6:00PM**

ATTEST:

Anita Sharp, Deputy City Clerk

Bruce C. Delgado, Mayor