



MINUTES

Friday, August 21, 2020

6:00 P.M. Closed Session

6:30 P.M. Open Session

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

Council Chambers
211 Hillcrest Avenue
Marina, California

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

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

In response to Governor Newsom's Executive Order N.29-20 and City Council Resolution 2020-29 ratifying the Proclamation of a Local Emergency by the City Manager/Director of Emergency Services related to the COVID-19 (coronavirus) pandemic, public participation in the City of Marina City Council and other public meetings shall be electronic only and without a physical location for public participation, until further notice in compliance with California state guidelines on social distancing. This meeting is being broadcast "live" on Access Media Productions (AMP) Community Television Cable 25 and on the City of Marina Channel and on the internet at <https://accessmediaproductions.org/>

PARTICIPATION

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AGENDA MATERIALS

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

1. CALL TO ORDER

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

MEMBERS PRESENT: Lisa Berkley, Frank O'Connell, Mayor Pro-Tem/Vice Chair, Gail Morton, Mayor/Chair Bruce C. Delgado

MEMBERS ABSENT: Lisa Berkley (Ecused)

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

6:40 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

Robert Rathie, Assistant City Attorney reported out Closed Session: The Council met earlier in Closed Session. Council considered two of the matters listed on the agenda this evening, one matter of significant exposure to litigation, which was relevant to the protest by Wathans Peterson Castanos Homes of the city fee. The other matter the city considered was the Imjin Parkway Landfill Site. In both those matters information was provided, direction was given and no reportable action was taken this evening on either one.

~~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.~~

~~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 , 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 , 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 , 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~~

~~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".~~

~~b. City Council adopting Resolution No. 2020, 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.~~

~~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, approving the process to fill council seat vacancy~~

b. City Council consider adopting **Resolution No. 2020-110**, 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.

Council Questions: Why do we appropriate \$2 million tonight if we only need \$1.2 million for the bid? Is there a third phase to the demo? Do you anticipate a wrecking ball type demo? How acute is the noise? What can we do as a city to communicate to the neighbors about the noise? Can staff make it easier to locate the Stockade information on the City's website? On Page 2 of the staff report, analysis, second to the last paragraph – does that mean that the budget is too low? Who is doing the oversight of this? Is the \$2.050 million that came from FORA that we would be allocation is sufficient to cover both aspects, the current REI contract that you're asking us to consider plus all the additional costs for the oversight by Wallace and Vista? Will they be grinding the concrete onsite or is it just being broken up, trucked and moved to another location? What happens to all the ongoing uses/tenants that are at the stockade site? Do you anticipate that the businesses will continue or that they will cease? Are these businesses storage or are those businesses where people are in the office? Have these businesses been notified as we did with the occupants of the Equestrian Center that this process was being considered by council, giving them ample notice that this is happening on their adjourning piece of property?

MORTON/BERKLEY: TO ADOPT RESOLUTION NO. 2020-110, 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; AND TO DIRECT STAFF (1) TO POST ON THE WEBSITE WITH EASY ACCESS THE ENVIRONMENTAL STUDIES RELATIVE TO THE PROJECT TO ENABLE OWNERS OF ANIMALS AND OCCUPANTS IN THE AREA THAT ADJOINTS THE STOCKADE TO REVIEW AND EXERCISE THEIR OWN JUDGEMENT AS TO ACTIONS NECESSARY FOR THE PROTECTION OF THE HEALTH AND SAFETY THEMSELVES AND OR THEIR ANIMALS; AND (2) ALSO ON THAT NOTICE IS THE SCHEDULE OF PERFORMANCE THAT SETS FORTH BY THE CONTACT AND OR FURTHER UPDATES; AND (3) DELIVER PAPER COPIES OF THOSE RELEVANT SECTIONS AS TO THE HEALTH AND SAFETY OF HUMANS AND ANIMALS BE DELIVERED TO THE TENANTS INCLUDING THE MEA AND SECURE FROM THE TENANTS A SIGNED WRITING ACKNOWLEDGING THE RECEIPT OF THOSE DOCUMENTS; (4) AND THE MEA TO DISTRIBUTE TO THE SUBTENANTS. 4-0-0-0 Motion Passes by Roll Call Vote

Public Comments:

- Margaret Davis – I think the motion sounds very sensible.
- Les Martin – Supports the project, the more stuff we can get rid of the better. Good luck with that, thank you.
- Karen Andersen – When coming through the area at California Avenue by the equestrian center there is a five-way stop and on a regular basis oncoming construction type traffic blows through the stop signs going the opposite direction towards Imjin while I'm making a left hand turn on to DX Drive. Asked if the city could make the stop signs more apparent to everybody using that intersection? It's a hazard.
- Kim Stemler – Wanted to make sure the CSUMB is included in the communications. In support of this project. Walking dogs around that area for the past 16-years and has never seen anyone not working there or a horse person and never seen other members of the community there. Delighted that this is moving forward and open to everyone.
- Brian McCarthy – I think these documents that Mr. McMinn is talking about, the Corp of Engineer documents date back to the 90's, obviously a lot has changed in the world of health and how we deal with asbestos since then and I kind of just provide that to you for your consideration. For those who don't know the California state rock is Serpentine and it is a natural asbestos. Asbestos is all around us both natural and manmade, so a lot of people don't realize that. Glad this is being taken care of as well and appreciate all your work on it. Thank you
- Paula Pelot – I approve the motion and as you know I have been staying on this for some years and very anxious to see the stockade taken down and the land repurposed. Thanked Mayor Pro-tem Morton and Council Member O'Connell for their work on FORA and making sure that we did receive this money as well as our city Manager Layne Long, so thank you. Asked if the residents in Abrams and Preston Park will be receiving any notification of this?

- Ray Martin – Very impressed with the packet that was produced and published on the contractor that will be doing this project. I’ve read it several times and thought they were spot-on. Everything they did to mitigate any issues with the people around them; the air, the way they are testing everything. I appreciate what you’re doing and the transparency and posting of everything so that everyone is familiar with it. We’re looking forward to it and have seen this for 20-years sitting there being a hazard. We’re doing a great thing for the community; it’s going to be a blight that’s removed, and the community can look forward to that. Congratulations on a fine job to you council and staff for getting this done.
 - Cristina Medina Dirksen – Thanked Council Member Morton and all of you who worked hard to secure the funding. An eyesore will be gone, and I look forward to the promise of more recreational opportunities. Daughter takes part in the Star Riders and exactly what Ray said holds true. Thanks to staff for their long hours and negotiations and the financial bonds from the bottom of our hearts, we appreciate it. Out at the Equestrian Center now and looking at that building it’s going to be a vast improvement for our community, so I wanted to give thanks to all of you for working hard on that. To Karen’s point about safety, that is something to consider because we’re going to have trucks coming our here and we need to address that at some future point. Thank you
 - Lindsay Alexander – Whole heartedly support the demolition of the stockade. I board a horse at the Equestrian Center and I feel pretty strongly that he’s going to adapt quickly to any increased noise in the area and wanted to say that the people at the Equestrian Center are really excited about having a more beautiful view, so thank you very much.
 - Grace Silva Santella – Support whole heartedly the motion by Mayor Pro-Tem Morton and Council Member Berkley. I was able to do a very quick find on the city’s website, I just did under search “stockade” and the first thing that came up was everything associated with what you’re discussing tonight, including a 681-page environmental document. It’s not that difficult to find, but I think it would be fairly easy for a public works department to put a quick link onto your city’s website for residents and other out there doing business. Thank you very much.
- c. City Council consider adopting **Resolution No. 2020-111**, 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.

Council Questions: The contract currently has a limit of \$300,000 per year and you’re asking because of the stockade that the amount would be in excess to that. the request is for raising the limit to \$600,000 not only this year when we need the work at the stockade but all year, why? This contract is on a time and material basis as to Vista and as well as the Wallace Group, correct? We don’t have to be concerned or at least the staff is on top of it as far as the duplication potential from Wallace for items that are being done by Vista? We’re keeping an eye at that, correct?

DELGADO/BERKLEY: TO APPROVE RESOLUTION NO. 2020-111, 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 FOR THIS FISCAL YEAR ONLY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY. 4-0-0-0 Motion Passes by Roll Call Vote

Public Comments: None received

- d. City Council consider adopting **Resolution No. 2020-112**, receiving a presentation & providing comments on the Del Monte Boulevard Extension and Patton Parkway Connection Project.

Council Questions: Why don't we have amenities on Westside like the eastside? Is that because the westside won't allow it because of the restrictions by already approved commercial uses? Sand Gilia, where is it; how do we avoid it if we can avoid it and what's the mitigation summary plan? What is our plan to publicly discuss/address the options for this overlap? Do we need to be consulting with the Federal Fish and Wildlife Dept? Can we essentially plan for a road through a federal plant species without consulting with the Federal Fish and Wildlife Service? Understand there is a rare Orchid plant that are in that vicinity, do we have maps currently of its locations? Some of this area between C-Dac Hill (Imjin Pkwy) and Reindollar Avenue, this area we're talking about that some of it is zoned as open space, is that true; and conflicts or of hoops or obstacles that is to plan this road through this open space if it's zoned open space? What is the 5-acre area zones as? How do we address putting a road through an area designated as open space and a road through habitat designations? Do we have a guess how complicated the Initial Study will end up; a Negative Declaration or EIR? How does this road configuration accommodate the connection to get people from 2nd Avenue thru this corridor but also across Del Monte to the beach? Once we've installed all the portion of our plan and now, we need to go into Phase II with the impact to Caltrans do they have any authority to say you can't do it? What kind of agreements do we get out of them today for approval of the plan going into their right-of-way in Phase II? Does Caltrans kind of look at this and give approval in principle or do they have the discretion to scrap our project? So, it safe to do the investment in this leg of the project without Caltrans approval, correct? Do we have an approximate timeline for this project? Do you know if there has been any cutting in funding regarding transportation and roadways due to Covid-19? \$17 million is a good chunk of change and based the history of Marina this likely isn't for another 10-years or so, correct? Was it said that we could reasonably expect all \$17 million of city dollars or do you expect that we will need help? As the developer fess come in from when the homes are built can this project ensue, or must we wait until we have a certain amount of money before we launch?

BERKLEY/MORTON: TO ADOPT RESOLUTION NO. 2020-112, RECEIVING A PRESENTATION & PROVIDING COMMENTS ON THE DEL MONTE BOULEVARD EXTENSION AND PATTON PARKWAY CONNECTION PROJECT; AND DIRECT STAFF TO (1) PROVIDE FUTURE CLARIFICATION OF THE PHASING AND CONSTRUCTION THAT COULD HAPPEN BEFORE ENCROACHMENT TO THE STATE PROPERTY AND CONCURRENT WORK IF POSSIBLE, ON BOTH PORTIONS OF STATE ENCROACHMENT AREAS AND CITY AREAS; AND (2) LOOK INTO OPTIONS OF SAND GILIA AVOIDANCE; AND (3) ROUNDABOUT VERSUS SIGNALIZED INTERSECTION; AND (4) CLARIFICATION OF POSSIBLE FUNDING, SECURE FUNDING AND TIMELINE OF THAT FUNDING; AND (5) TO CONSIDER ADDITIONAL IMPACT FEES FROM DEVELOPMENT NOT ENTITLE PREVIOUSLY (THE DUNES, SEA HAVEN AND CYPRESS KNOLLS) ON THE FORMER FORT ORD; AND (6) COMMUNICATIONS WITH MPUSD; AND (7) STAFF TO ENQUIRE OF MST AS TO ANY POSSIBILITIES IF THEY COOPERATE IN FUNDING, POSSIBLY THROUGH GRANTS. 4-0-0-0 MOTION PASSES BY ROLL CALL VOTE

Public Comments:

- Fred Watson – Been working for the last 3 ½ years to attempt to survey the entire species, every population, everywhere and I've done essentially that except for a big chunk of the Army land that's closed although I've surveyed a fair amount of that land now with the permission of the Army. I know a lot about Gilia distribution and where the important populations are. Currently working under contract with the Fish and Wildlife Service to provide technical input to their studies. I love this road and I love the bike part of it but I think we really seriously need to consider moving it west further into the Caltrans right-of-way. I think it's the only option given the Gilia situation. This Gilia population is a very large population in the Gilia world and it's in very good condition and it's very near the coast which is crucial when it comes to the genetics aspect. The ones near the coast are ideally the most valuable. When I say it's in good condition it's about the same size as the ones at Sand City but that's heavily encroached with ice plant and under a lot of uncertain development and on private land. It's actually bigger than the one at the Navy Jude, which is a really big one. It's about the same size as the one at the Salinas River State Beach, which is often thought of as the "flagship" of Gilia populations on the coast. It is much bigger than anything that is remaining today in the State Parks, the Fort Ord Dunes State Park and Marina Dunes State Park. On the flipside, it's really hard to mitigate impact to this one because it's so important and in the context where Marina's got some pretty serious challenges or not a really great track record in past mitigations and past preservations. There are challenges in the region to keep these populations going. This one has just hung on really well by itself and so I don't think you can just mitigate this by preserving a 2:1 or 3:1 ratio of Gilia elsewhere. There are just not populations to do that. I think avoidance is the only way. In the endangered species world, the first thing you try to do is avoid it and then if you can't avoid it then you take it and mitigate that take. If mitigation is not possible you really have to foresee that avoidance real seriously. I know heading into the Caltrans land will be difficult, but I think it's what we really need to consider. Thank you
- Liezbeth Visscher – It's just exciting that the connection between downtown and the Dunes is going to happen or at least plans are being made for a connection to be constructed sometime in the future and I was glad to hear bike parking being mentioned because that is lacking in many places even in the new Dunes neighborhoods. When visiting a neighbor there's not really any place to park a bicycle near a home except at a corner where the sidewalks are wider. This was a big issue when the Lime Scooters were here and with more and more residents choosing to the bike or Ebike over the car it will become even more important. If still possible please add bicycle parking options in the not yet built phases of the new developments in the city. A few months ago, I had mentioned during public comments that I would like this connection to be inviting especially for bicyclists and pedestrians and it's great to see the separate bicycle paths. If space allows, I think a rest area with benches would be a great addition and preferably with a view of the beautiful Monterey Bay. I do realize there needs to be space and you have to find another million or so. A bridge over highway One would be a great addition. It seems to be far out in the future but when the time comes, I hope that the bridge would be beautifully designed. I would like to wish you all the best moving this project forward as soon as possible, thank you.
- Les Martin – It sounds like a great project and I love it. I live in the Dunes so this would be really convenient; right now, you have to get on the highway and then go down the offramp. That's a bad intersection anyway. One of the notes I made to myself was we should probably look at doing something with the on and off ramp. When you come up Imjin and try to north onto One and people are exiting onto Del Monte it's very dangerous and sometimes you can't even get over. If you have to get away from the Sand Gilia, move into the right-of-way you might as well do the proper planning with the State and figure out that whole intersection. But I loved the plan it's great. I love the bike paths. CDF Funding, I guess we're paying for this as residents? Is that an

annual thing or is it just a onetime fee the developer pays you when the hoses we sold? Again, I think it's a great plan and hopes it doesn't take 20-years. Thank you

- Grace Silva Santella – In 2000 when the city did it's General Plan update and I served on the Planning Commission this road extension was in our General Plan then, I assume it's still in there; and this is so discouraging to me to think that the possibility that it might not be 20 more years until that comes to fruition so I hope that what our city manager has mentioned in the funding of 3-5 years possibly we'd have enough money to at least start something on this extension it would be fabulous. I was fortunate to be a member of our Downtown Revitalization Specific Plan Committee and there was a lot of discussion about the commercial mixed-use node that Fred Aegerter commented on earlier and I know that's a pretty critical component of our Downtown development because it was believed that there was not... that that is an area of Central Marina that is lacking in some services. As we look at this extension, really respecting the work of the Downtown Committee in acknowledging that corner; and having said that I'm hoping that when you close this public portion of this item you can have just a little bit more explanation of why a traffic signal in that area and not a roundabout. I was part of the three members of the Downtown committee who walked that portion of Del Monte Avenue figuring our sidewalk, ingress, egress improvements and we really believe this was a critical area for welcoming people into Central Marina and having a major stoplight on that corner I'm not sure that has a welcoming component to it. To the Sand Gilia, when I was on the Planning Commission the Best Western when it was developed had a Sand Gilia mitigation measure that was moved over to Locke Paddon Park and I don't think it was terribly successful.
- Brian McCarthy – Echoed Grace's comment about considering the effect on the Downtown Plan that this has is an important one. Is the Council willing to still approve this plan and assume the second phase may not be completed the way that the city wants it completed? I didn't hear a real answer to Mayor Pro-Tem Morton's question on that earlier.

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 9:15 PM back into Closed Session

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor

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.

In his May Newsletter, Councilmember Frank O'Connell asks:

Would you:

Vote for a candidate ...who uses diversity of population as a reason to elect him or her, but refers to people by their skin color?

In his June Newsletter, he asks:

Would you vote for a mayoral or city council candidate... whose conduct tends to show that he or she is a RACIST?

On July 2, 2020, Mr. O'Connell sent the following email to Kathy Biala:

Ms. Biala,

I have become aware of a matter... that is of great concern to me, and I want to confirm this information as true or false. Did you earlier... this year... seek to have a photo-op in which you.... specifically requested... that black, brown and other people of color... stand behind or with you... in the photo? If so, I find it very, very disturbing... that you would refer to people by the color of their skin... and not by their names. It appears to be an obvious case... of using people of color... because of their color. If you did so,... what justification do you have... for identifying any persons by the color of their skin... instead of by their names?

I urge you to make others aware of your reasoning... by public comment at town hall meetings, city council meetings, planning commission meetings, NextDoor Marina, Facebook, Twitter, and letters to the editors of the various local newspapers.

If the information is not true, I will do everything to squelch it as soon as possible.

I look forward to your response.

Sincerely,

Frank O'Connell

Marina City Councilman

I must emphasize: "Frank O'Connell, Marina City Councilman"

On 7/23/20, Mr. O'Connell sent another email to Kathy Biala:

Ms. Biala,

I know you are busy with campaign activity, but you owe the voters of Marina a response (denial, admission and/or explanation) to the email below.

Please respond by this Friday.

Take care.
Frank O'Connell

(He re-included the previous email, in full, that was signed Frank O'Connell, *Marina City Councilman*)

Then in his Aug Newsletter, he writes:

Questions to Candidates: Please ask questions of the candidates. Limit them to city issues and not derogatory, insulting, or disrespectful. As of July 2nd, I submitted questions on city issues to Candidate Biala. I resubmitted them to her after I had announced that I was not a candidate. To date she has failed to respond to the questions. We must insist that city related questions be answered by the candidates.

This is the end of my reading. Thank you for your kind attention. Other speakers will be referring to these statements.

Public Comments delivered at the Marina City Council meeting of August 8, 2020 by Kathy Biala and Harvey Biala.

My name is Kathy Biala. Frank O'Connell has demanded that I respond to him in a whole host of public venues, and so I do this tonight. I have deferred my comments until after the deadline for candidate filing so as to make this solely about a sitting councilmember's behavior towards a constituent.

I believe that Mr. O'Connell has the freedom to criticize me as an individual OR as a candidate if he had chosen to run again. What is most disturbing about these statements is that he does so, signing with his title "Marina city councilman" while he makes false accusations related to race to call out a person of color.

I found Mr. O'Connell's actions distressing, especially in the back drop of Black Lives Matter and our nation's sensitivity to curbing hate and injustices. He wrote his Newsletter entries insinuating racial bias on the part of people of color at a time in which he knew that two declared candidates, myself being one and Cristina Medina-Dirksen, the other, both of us women of color. I would have hoped that Marina would be glad that people of color are stepping up to run and may the best man or woman win. He has also claimed his questions are a matter of "city related issues". But to raise issues of race using false rumors and making demands as a Councilperson, is quite unacceptable to me and should be to others.

In truth, his persistent communications were quite hurtful and intimidating to me, because it was aimed not at anything I have legitimately done or said, but his attacks were more about ME...my race, WHO I am. Over these last several weeks, having to grapple with my own many thoughts and feelings, I have come to understand much more about systemic racism.

Sadly, I am hearing of more personal attacks in Marina on people of color and those who support them, using unkind language or threatening actions. Each of us must stand up to respectfully confront these types of bullying and intimidation whenever they occur. I believe there are more of us who believe in inclusion and acceptance than those wishing to act or speak aggressively against others. And as a friend has posted on his car window, "Silence is not an option", so I take a personal risk here tonight in responding to Mr. O'Connell's actions as I, too, have an obligation to not be silent.

Thank you.

Harvey Biala would like to speak from this same computer.

My name is Harvey Biala. I wish to explain to you the significance of what has occurred in the numerous posts by Councilmember O'Connell and his personal demanding emails he has sent to my wife under the authority of his position of power as a councilmember. All the identified posts were about race... a white person seemingly wanting to accuse a person of color of being a racist. Such comments have been inflammatory, demeaning, aimed at inciting ill will towards my wife and completely untrue and unfounded.

The words of Councilmember O'Connell demonstrate to me that there is a complete lack of awareness by white people in positions of power to understand how their actions impact people of color. We, as white people, never fully understand the vulnerability of persons of color to be vilified, dominated, humiliated, and blamed as they try to go about their daily lives and has the end effect of intimidating and silencing them.

Without any provocation, Mr. O'Connell speaks of a nameless photo that he appears to have heard about from an unidentified person that he now insinuates some nefarious racial intent. It was wrong for someone to transfer such false whisperings to Mr. O'Connell and then it was wrong of Councilmember O'Connell to begin harassing my wife and making unwarranted demands for explanations from his position as a councilmember as if she were guilty of some crime. There should be an inquiry into Mr. O'Connell's behavior by impartial persons at the City since he acts in his authority as a councilperson. He has made this a *systems* issue. This inquiry should be *less* about whether my wife did anything wrong but more about whether it is appropriate for a sitting councilmember to repeatedly make such unfounded accusations about race issues to a constituent of color. How we treat this incident today will be reflective of how we see and handle systemic racism in the future. Isn't this what our city has committed to study? This will be our first example. It is not "out there" somewhere, it is right here.

It is not up to my wife to explain *anything* to Mr. O'Connell. It is up to this council to stop this behavior.

Thank you.

Council Member Frank O'Connell – Comments on Matters not on the Agenda for August 18, 2020

As to the other matter relating to Ms. Biala, to say that I'm shocked or surprised is obviously in my mind not the correct terminology. I have known Ms. Biala for many years, we've had coffee, I've interviewed her and recommended her twice to the Planning Commission; we have been at birthday parties; we've met at the democratic club; we have always been cordial towards each other and never used any negative comments towards each other that I'm aware of. I am thoroughly surprised that this would be done and that the email I sent to her was one of true concern by me because I became aware of a concern from others as to comments that were allegedly made. This email that I sent to her on July 2nd I believe was after I decided not seek reelection. Again, I did not hear up until this evening did not hear any response from Ms. Biala or anyone relating to the email and I had hoped that I would so that I could, as I said in the email squelch concerns that anyone may have on it. This is an example, in my mind a true honest intent by me to make her aware when I knew that she was going to be a candidate or actually had considered to be a candidate, aware of the situation that may exist so it could be addressed before it got out of hand; and what has now happened it has been flipped to make it look like Frank O'Connell who is not seeking reelection is somehow a racist or somehow trying to pick on her or make her look bad. That email was strictly between the two people, myself and Ms. Biala. She has chosen to make it public to other people she certainly has the right to do so, but I have not, and I will not. If people are offended by my concern to make her aware of what I had heard, then there is nothing I can do about it. As far as Mr. Furey and Dusan's comments favorable to me, I honestly don't feel that those should be even necessary. I have 12-years of working very hard for this city and I think you Mr. Mayor and I think every past council member who has worked with me, including Councilman Brown are fully aware of my integrity and my dedication to the city and not showing any favoritism towards any person or any color of any persons skin I offended but again I have to attribute it to a total misunderstanding or hopefully not but maybe Mr. Furey is right that it's some kind of political tactic. I don't know why it would be but I'm not going to consider that it is. I'm thoroughly surprised and looking at this whole situation and my relation with Ms. Biala and her husband up to this point in completely contrary to what I heard tonight and conclusions that were made in the form of statements about me and to me and to the listening audience. I'm 73-years old and I've heard worse, but I am disappointed that people would take what I emailed to Ms. Biala, between the two of us and somehow make it into something that it certainly was never intended to be and certainly isn't; and again, if we put everything aside, um Mr. Mayor you've known me since 2008 I'm not asking you to speak for me or against me you can do whatever you like. Council Member Morton has known me for longer than that and so has Councilman Brown who I've had very positive relations with up until a certain point recently; and I will leave it at that, thank you for the time.

Mayor Delgado's Comments on matters not on the agenda – August 18, 2020

I not in my experience with you ever known you to exhibit racism. I've disagreed with you some racist issues, race related issues such as the re-designation of a holiday to be Indigenous People's Day, Christopher Columbus it was, and that interested me but everyone has differences of opinions all the time but I did see the emails and I do know that Kathy's life was sincerely rocked by those emails. When I read those email it almost sent chills up my spine, so I take you at your word as I always have and I think you deserve to be taken to your word of course but I think it's possible this is a case of unconscious or implicit biases where somebody does not understand the effect that one's words, in this case your words could have on a person of color until you're a person of color; and the whole point of the \$45,000 study, the whole point of a lot of the impotence of this, of Black Lives Matter is to look at all of the unspoken as well as the spoken and in this case I think there is potentially unconscious biases and it's hard for me to understand what the life of gay people are like if I'm not gay and it's hard for me to understand what other social identity groups challenges are if I'm not one of them. I don't think this is a matter of politics because I have been aware of how Kathy has been so distressed and going after an elected official whose announced his retirement there is no political gain in that and I think that was part of her decision to delay so this it would not be a campaign issue because we did know that you were not going to run, at least we heard that and we believed it and we didn't want this to be mixed up with a campaign like issue. The use of your title in the email what almost gave me chills was when I read your email to basically told Kathy that if she had done this bad act that she should go to the press, she should go to public meetings etc. social media and basically apologize for doing what was a racist thing of taking a photograph or organizing a photograph of people of various ethnicities because of their color of skin, which was basically turning things on its head telling her she herself was participating in racism. All that being said, this is an item that is right for a rich discussion and that if we can't have rich discussion when there are misunderstandings or unintended consequences from our behavior, my behavior anyone's behavior that offends others especially when it's other in a social identified group such as an ethnicity or sexual orientation group or whatever many groups that are out there this is the time, as you have done, you have participated here tonight in expressing their thoughts on this issue. Where we go from here matters more to me than this issue has surfaced.