



MINUTES

Tuesday, September 1, 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-Miliias-Brown Act representative.*
 - a. (i) Conference with Legal Counsel – existing litigation – Appeal No. A-3-MRA-19-0034 by California American Water Company, et. al., to the California Coastal Commission over Denial by the City of Marina for a Coastal Development Permit for Construction of Slant Intake Wells for the Monterey Peninsula Water Supply Project; paragraph (1) of subdivision (d) of CA Govt. Code sec. 54956.9.
 - (ii) Conference with Legal Counsel - anticipated litigation – significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of CA Govt. Code sec. 54956.9 - two potential cases

6:30 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 in Closed Session this evening on the matters listed on the agenda which was a matter of existing litigation and two matters of anticipated litigation and regarding the matters of anticipated litigation, information was received and discussed, there was no direction provided to staff this evening during the Closed Session on that matter.

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

5. **SPECIAL PRESENTATIONS:**

a **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.*

- Kathy Biala – Shared reflection of what has occurred to date. I spent many days thinking about Frank's words to me feeling traumatized by what he said and likewise when I gave my response at the council meeting. Both myself and Frank were then either both bolstered by others or experienced further perceived attacks. I myself have moved along a continuum of feelings to be able to come to this place today. I believe in dialog, but dialog has to be with safety. I did reach out to friends and acquaintances to seek their perspectives and receive validation of my personal experience. Upon further reflection I'm really not sure that our first foray into the issue of systemic racism could have been any different than what eventually happened. We each come from different life environments based on where we grew up, who our parents are, what race we are, what lived experiences we've had, what messages we heard growing up and what we absorbed. Marina has committed to learning more about systemic racism using expert consultation to help us through this process. I am looking forward to this but hope we can still present ongoing comments to further our understanding as a community. This is a start to a most important dialog. Just because I am a person of color does not mean I know everything about systemic racism, nor does it mean that I know best how to solve the issues. I think Marina had to start somewhere and what has happened to us is probably very typical of what usually happens as people try to grapple with how systemic racism affects us. I recently read an article about interconnectedness, it said "*compassion does not involve the forcible suppression of our natural emotions, our likes and dislikes, rather it is a realization that those from who we differ have qualities that can contribute to our lives and can afford us opportunities to grow in our own humanity*". I thank Frank for giving me that opportunity to see and experience some new things about myself and my world. Thank you.
- Mike Owen – The Marina Tree Committee got this request from Monterey County to remove 3,400 California live oaks to make room for their Monterey Salinas Transit new headquarters and bus depot off of Inter-garrison Road near CSUMB. Richard Boynton and I looked at the site and ended up pretty sad and depressed because we really couldn't see just how us little volunteers on the Tree Committee could oppose the weight of Monterey County, all the supervisors, engineering,

planning, finance multimillion dollar project, stacks of documentation and studies to sit go-ahead, that was before Jane Parker got on the board so we regretfully approved that request for removal. A couple of years later I was amazed to see this group of citizens that formed to fight this and thought they didn't have a chance; but they ended up collecting 18,000 signatures, got Land Watch involved and they forced the county to back down in 2012. The chief strategist for that whole campaign was Gail Morton. Gail has saved more than the Marina Tree Committee ever dreamed of trying to save in the last 30-years. How can I not, as a tree hugger vote for Gail Morton to be on council again? In addition, she helped save the Tree Committee this year and helped support the saving of the 47 landmark trees out on Beach Road. My announcement is that she's got this really spiffy website that's called: www.mortonformarina.com. Saves trees, saves water, protect our affordable housing.

- Tina Walsh – Citizens for Just Water – As you know Marina's water is in jeopardy of being stolen by CalAm, a private for-profit company engaged in delivering water to our neighboring water district on the Monterey Peninsula. Citizens for Just Water is a group of residents fighting to stop CalAm from building a desalinization plant reliant upon a field of extraction wells situated on Marina's beach. The proposed slant wells will take most of their water not from the bay but from the aquifers below our city. This groundwater is the only water source for our own Marina and Ord Communities. On Thursday, September 17, 2020 the California Coastal Commission will have a special Zoom meeting to decide whether to approve CalAm's project or not. Their staff report has come out and staff again recommends denial of the well field's development permit. We are asking for many people who can speak for one-minute during the public comment to ask the commissioners to vote according to their staff's recommendation. To prepare for the Coastal Commission hearing, which will be virtual Just Water is currently conducting a sign campaign to demonstrate our community's opposition to the CalAm project through images. Our window sign with the Western Snowy Plover and the word HELP in several languages can be downloaded from the website www.citizensforjustwater.org. We ask everyone print this 8.5 x11 mini-poster and to display it in their windows; then take a photo of your household members in front of the poster and email it to us. The photo's will be used to show the Coastal Commission that Marina's residents are requesting to deny CalAm's proposed slant wells or visit the Just Water booth at the Farmer's Market for the next two Sundays between 10:00am-2:00pm to get information, pick up a window sign and have your photo taken right there. Please visit our website at www.citizensforjustwater.org to sign up for updates so that we can keep you posted by email. Thank you, Marina City Council for offering time and to let members of the public peak and for the many hours you volunteer for our city.
- Kyle Soliven – Gave Council an update on the Marina Equestrian Center. As you know we had three fires burning in our county over the last two weeks and the Marina Equestrian Association and the Marina Equestrian Center was actually in conjunction with the SPCA was an evacuation center for livestock affected by these fires. In the last two weeks we've had 351 animals that needed evacuation and shelter from the fires here are the facility in Marina. Our members worked tirelessly from sunup to was past sundown. We had about 150 community members come to the Equestrian Center to volunteer and help provide care for these animals. Special thank you to you Mayor Delgado for coming several times to provide a lending hand and support. Terry Siegrist popped in at least once if not twice a day to make sure that we were ok. Cristina Medina-Dirksen also, so many hours volunteered meals provided for all the volunteers and things like that, so I just wanted to say a big thank you to everybody who has participated and just let the council know what a gem this facility is for our community.
- Grace Silva-Santella – Wanted to give a big shoutout to Terry Siegrist, it is amazing what he and his staff are pulling together so thank you very much Terry. Today I was having an email exchange about Measure Q, the November 3rd Measure to extend Marina's Urban Growth

Boundary from the year 2020 to 2040 and when I shared the number of housing units we have yet to build I acknowledged once again how fortunate Marina is to have Mayor Pro-Tem Morton and Councilman Frank O'Connell on our city council. Many of these housing units will be built on Fort Ord land. It was Gail Morton and Frank O'Connell who spoke up against FORA staff and the FORA Board and stood strong against the power of State Senator Bill Monning. Senator Monning wanted FORA to extend out just a few more years and continue to hold Marina hostage. Without Gail Morton and Frank O'Connell Marina would still be answering to FORA. Instead as Marina moves forward and our residents will hopefully vote yes on Measure Q and re-elect Gail Morton to the City Council we can know it's the tenacity, the perseverance and the legal minds of Gail Morton and Frank O'Connell that gave Marina it's freedom from FORA. We the residents can plan for our housing, not FORA. Thank you

- Cristina Medina Dirksen – Echoed Kyle, the volunteers at the MEC were critical to making sure animals had a safe place to go. I was there with them past midnight and working alongside them it was such an impressive operation that we should all be proud. It was a very interesting time because of the concern about what was going to happen with the lease, and they were out there moving animals and listening to council at the same time. Their commitment is to be commended and I think we're very lucky to have this level of volunteers in our community. As a leader of volunteers in our community I just really have to tip my hat off to their ability to come together and take care of whatever needed to be done in that moment. Wanted to give a hats off to our firefighters for the fire lines here and our police officers, I understand that Marina Police officers were part of the evacuations and assisted in that. We see the Thank You Firefighter signs and they did a great job on the lines, putting themselves in harms danger; and their families at home. As a wife of a firefighter I know we have to hold down the house and take care of business and it's a team effort, but I wanted to hive my hat's off to the police officers also. I too have a website if you would like to take a look at it www.cristina4marinacitycouncil.com . Take a look at it, I did it all myself and has the names of many endorsers of my neighbors and friends. We're lucky to live in such a wonderful community. Thank you
- Karen Andersen – Asked Council Member O'Connell, is this your active email account, frank@oconnell4us.com ?
- Margaret Davis – Agrees with Mike Owen, Gail Morton and I discovered that this 58-acre oak woodland was going to be torn out by the County on Inter-garrison between the college and the housing because we were working on getting rights-of-way for the Sgt. Allan MacDonald Calvary Trail and happened upon this development coming. The citizens pulled together, and Gail organized this petition drive it was very exciting and incredible. As a Marina resident I'm invested in the business of the city and what happens is the city council meetings. Work needs to be done to restore the focus of council meetings, proper management of the public council meeting, which provide an opportunity for the public to be heard on matters on the agenda before decisions are made and with standardized 10:00pm. The last regular meeting started at 7:00pm but council didn't get to city business until after 9:00pm. When the council has to adjourn because public comment has run out the clock not only is city business disrupted hard deadlines potentially missed, persons and agencies conducting business with the city are frustrated and inconvenienced but most important members of the public who waited for an item and wanted to speak were disenfranchised. Please agendize for a public hearing and action if necessary but meanwhile hear are some ideas. (1) If residents have a concern, complaint, problem thought they are encouraged to email, phone, fax or snail-mail their representatives on council. All the council members are eager for input. (2) For comments for items on the agenda the four minutes is a reasonable time allotment; for comments not on the agenda 2-minutes would seem appropriate. (3) The total meeting time reserved for comments on items not on the agenda should be limited, perhaps to half and hour. Thank you

- Margaret-Anne Coppernol – The California Coastal Commission staff is recommending for the second time that the California American Water Company Desalinization Plant be permit be denied. They have recognized that the CalAm slant wells will take as source water for its additional 6 slant wells our dunes sands aquifer fresh water. That's depleting Marina's sole potable water supply source. This September 17th we need every possible Marina citizen to participate in the virtual Coastal Commission meeting to support Marina and oppose CalAm who is throwing every possible dart to convince the Coastal Commission to go against their staff's recommendation. CalAm has mounted a misinformation and highly manipulative campaign in its attempt to counter permit denial. Please do all you can to support Marina and Marina Coast Water District by speaking up at the September 17th meeting to support the staff recommendation to deny CalAm permit. It is imperative that the staff recommendation be adopted. Gail, along with a little group of Marina citizens steadfastly had appeared at CalAm's Coastal Commission meetings for years to bring the issue of our threatened water supply forward. When it seemed, our voices were not being heard some of us met to form a water advocacy group to discuss what we could do. Citizens for Just Water has made a lot of noise since then and although it was never formalized this little group of citizens did have a voice and a loud one as did others clamoring for water rights and environmental justice. I thank Gail for her courage, generosity and her wisdom; she is a wonderful council member and leader. Gail has always been an inclusive person advocating for every citizen which is so important for our diverse city. I hope to hear all of you testifying on September 17th at the Coastal Commission. This is chance to put the final nail in the leaky CalAm coffin.
- Brian McCarthy – Wanted to thank Margaret Davis for speaking out on something that frankly I've heard everyone talk about and that is the council's procedures and how meetings are run. Just wanted to add a couple more suggestions and that is possibly bridging comments to 3-minutes and 30-seconds versus 4 and still have the bragging rights of having the longest comment time on the peninsula or reducing it less if need be. Really concerned that the business of the city is not getting done at the expense of some of the other things that have been happening in our city lately. I hope we do take Margaret's comments very seriously and I hope that perhaps a future agenda item the rest of the Council can up with ideas on how to run more efficient meetings. I think one of the things that might help prevent people from feeling the need to voice their comments during public comments is a more robust ticketing system for concerns, complaints and praises and that is a place in the city when you make a praise, complaint or concern it gets logged somewhere and that log stays around indefinitely so that five years from now we can go back and see what action was taken or inaction was taken. We can show the record of complaints and we can also look at how many other people in the city have had that same complaint or praise and do some analysis on that data. Thank you
- Brian McMinn – Reminded that Council and the public that tomorrow we're going to be doing our Zoom outreach to the residents on Salinas Avenue. All of those residents were sent a postcard with information on how to log onto Zoom. We're going to be reaching out to them to get input on a future project and we're still a number of years out before anything will done there but we're getting ready to circulate and environmental document and we wanted to give them the first shot at having some input on the project itself since they are the experts on living on that street. It's two times, 3:00pm and 6:00pm to accommodate as many people as we can. Information was sent to the residents, but it is also on our website. If you look on the Home Page there is a tab on the left-hand side called City Project that will take you to the page with the link. Looking forward for the public to get involved there.
- Mayor Delgado – Followed up on the public comments relating to the Marina Equestrian Center. Pretty amazing to go to the Equestrian Center and see it bustling with income and outgoing horse trailers and volunteers finding places to put all the various animals that were rescued or evacuated from their homes due to the fires. Thanked Chief Nieto for opening up the old animal shelter to

house some of the animals, it helped a lot. Thanked everyone who helped during the fires of evacuating people and animals. Thanked the Grange for the 94 signs that were purchased and out up long many regional roads saying Firefighters are our Hero's; Thank you to the Firefighters; Thank you First Responders. September 8th at 6:00pm there will be a presentation on giving a Zoom meeting to the Middlebury Institute on our fight for our water and our fight for our coast against the profit motives of a large corporation, CalAm to extract groundwater underneath the city limits of Marina. The Big meeting is September 17th and the big message is that the Coastal Commission staff got it right again in recommending denial to this application.

- Council Member O'Connell – On September 5th MST is making some modifications to current line service specifically Line 20 which goes through Marina. They are going to be increasing their number of weekday trips at peak hours to help social distancing on the bus. If you go to www.mst.org you will see on the right-hand side a section that makes reference to the modifications so that you can bring yourself current as to the bus lines. Appreciates Grace's comments relating to my efforts and Mayor Pro-Tem Morton but I can tell you there was a "good cop, bad cop" situation that Gail and I set up and she fell on the sword many times while I was smiling at the Board. She was the lead and I stood back and watched many times and told several board members that everything was hunky-dory. So, my hat goes off to an unbelievable effort put forth by Gail Morton. Thank you
- Mayor Pro-Tem Morton – Thank you Frank and Bruce for those comments, FORA was brutal at times and I also wanted to say thank you to Mike Owen, Margaret-Anne, Margaret Davis and Grace. While we're talking about the Equestrian Center the comment was made that we are trying to change the nature of the Equestrian Center. The Equestrian Center is an asset of our community and the whole fight about Whispering Oaks and that Oak Woodland was preserving and protecting the connection of our Equestrian Center to the National Monument along the Sgt. Allan MacDonald Trail and I just want everybody to understand that is was a group advocacy but that advocacy has come before our city and we took the first steps in implementing that trail system that's now part of the FOTAG trail system. So, I look forward to the Equestrian Center continuing its horse presence, continuing to work that its going to be realized, those connections that all of us want for our community; and I thank everybody helped in participating to get that preserved and protected because we are all benefiting today.
- Police Chief Nieto – Wanted Council and the public to know that our own Commander Anderson became published yesterday on a Police One, an online website where police get their news. The article that Commander Anderson wrote is called Why we must be the example, every citizen contact is an opportunity to provide a positive, professional and respectful interaction with law enforcement. I'm really proved of the things Commander Anderson wrote about and how it's so important for the police to have positive interactions with our public no matter what the situation is. Thank you and thank you Commander Anderson.
- Council Member Berkley – Wonder if it could or should be placed on the next agenda but because Council Member Urrutia is no longer on the dais that the liaison for the planning commission is now open and would very much like to step into that role especially with everything that's going on with the planning department; so, I would like to be appointed if that's possible.

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 95779-95822, totaling \$513,488.42
Accounts Payable Successor Agency EFT & Check Number 53, totaling \$12,813.26
 - b. **MINUTES:**
 - (1) June 30, 2020, Special City Council meeting
 - (2) ~~July 7, 2020, Regular City Council Meeting~~
 - c. **CLAIMS AGAINST THE CITY:** None
 - d. **AWARD OF BID:** None
 - e. **CALL FOR BIDS:** None
 - f. **ADOPTION OF RESOLUTIONS:**
 - (1) City Council consider adopting **Resolution No. 2020-113**, approving the destruction of cash receipt records according to the City's Records Retention Policy covering the calendar years of July 2006 to June 2014.
 - g. **APPROVAL OF AGREEMENTS**
 - (1) City Council consider adopting **Resolution No. 2020-114**, approving an amendment to the agreement between City of Marina and Formation Environmental, LLC. to provide engineering services for the groundwater sustainability planning; authorize a budget appropriation from the General Fund in the amount of \$37,770; authorize the Finance Director to make the necessary accounting and budgetary entries; and authorize the City Manager to execute the agreement on behalf of the City subject to final review and approval by the City Attorney.
 - h. **ACCEPTANCE OF PUBLIC IMPROVEMENTS:** None
 - i. **MAPS:** None
 - j. **REPORTS: (RECEIVE AND FILE):**
 - (1) TAMC August 26, 2020 Board Meeting Highlight
 - k. **FUNDING & BUDGET MATTERS:**
 - (1) City Council consider adopting **Resolution No. 2020-115**, approving the allocation of \$38,740 to the Imjin Pkwy Pedestrian Safety Corridor Study, and; authorize the Finance Director to make the necessary accounting and budgetary entries.

1. APPROVE ORDINANCES (WAIVE SECOND READING):

- (1) City Council waive second reading and approved by title only **Ordinance No. 2020-03**, deleting Municipal Code, Title 8, Chapter 8.24 “Security and Fire Alarm Systems,” and replacing it with new Chapter 8.24 “Alarm Systems.
- (2) City Council read by title only and introduce and adopt an **Urgency Ordinance 2020-04**, to adopt the California Department of Public Health’s Guidance for the use of face coverings to be enforceable by administrative citation within the City of Marina.

m. APPROVE APPOINTMENTS: None

City Attorney Rathie requested to pull agenda item 8b(2) due to those minutes are not included in the agenda packet. Also stated that agenda items 8l(1) and 8l(2) need to be pulled for separate votes.

Council Member O’Connell had questions for agenda item 8k(1) – Fiscal impact makes reference to the expenditure appearing to qualify as a one-time expenditure because of the existing balanced budget Resolution 2012-46. My concern is that, in my opinion that is not a one-time expenditure because if we get a study done it’s not going to be put on a shelf and never be used. So, is the expenditure going to result in the budget not being balanced? Won’t this study lead to further decisions by the council consistent with that study? For example, stoplights, stop signs; aren’t we somewhat possibly fudging as to how we define one-time expenditures? In essence this is an unbudgeted expense and therefore it exceeds our budget map and also because of Covid is now going to exceed our revenues, correct? This intersection where we are talking about expending \$9,740 additional dollars is the intersection where there was a collision with a pedestrian that caused somebody to lose their life, correct?

DELGADO/MORTON: TO APPROVE THE CONSENT AGENDA MINUS 8b(2), 8l(1) AND 8l(2). 4-0-0-0 Motion Passes by Roll Call Vote

8l(1)

MORTON/BERKLEY: TO APPROVED BY TITLE ONLY ORDINANCE NO. 2020-03, 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

8l(2)

MORTON/BERKLEY: READ BY TITLE ONLY AND INTRODUCE AND ADOPT AN URGENCY ORDINANCE 2020-04, TO ADOPT THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH’S GUIDANCE FOR THE USE OF FACE COVERINGS TO BE ENFORCEABLE BY ADMINISTRATIVE CITATION WITHIN THE CITY OF MARINA; AND INCLUDE THE ADDITION TO PAGE FOUR, SECTION FOUR OF THE ORDINANCE “FINE OF \$250 FOR THE THIRD VIOLATION AND EACH VIOLATION THEREAFTER”. 4-0-0-0 Motion Passes by Roll Call Vote

Public Comments:

- Kathy Biala – Emphasized that all of our ordinances do not cover this one very important aspect of mask wearing but when we do have dining in and people remove their masks we don’t cover any of that in any of the health ordinances. Urges people, when you are servers and people are taking their masks off to eat then please don’t approach the table to serve and that customer should know also that they should not be expecting that they get service at that time until they put their masks on.

- Les Martin – My concern about this particular item is that we’ve been doing this for about 5-6 months now; we haven’t had this in place and hopefully this will all go away. The adults know the risk and I don’t know that we need to have a rule for every single risk in life. We know what the rules are, and some people choose not to follow them but they’re being fools. I don’t know if we need to police running around giving tickets out to people to enforce this rule. To Kathy’s point, it’s not that clear exactly what the rules are. I think a lot of people just don’t do it right because they’re not sure what’s going on and that may be something more important than having something to give people to fine. Thank you

9. PUBLIC HEARINGS:

- a. City Council open a public hearing taking testimony from the public and consider adopting **Resolution No. 2020-116**, approving abatement of weeds, accumulation of rubbish and/or refuse upon specified private property parcels to be public nuisances by the City Public Works Division, and; set public hearing for 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 Assessor’s Office.

Council Questions: Are we doing anything different as far as procedure that we haven’t done in past years? Does this address the TAMC property along the railroad tracks? In the past we’ve has some problematic properties, do you see repeat offenders or do you see the properties in the past aren’t the issues this next go-round?

Mayor opened the public hearing for public comments:

- Les Martin – I was looking yesterday at some of the yards and how bad they were and it’s kind of a shame for the person how has a beautiful lawn right next to someone who has weeds growing out of their yard or a pile of pallets, so I really like the idea of trying to do something here. I don’t know how much I want to be pushy on people’s individual rights but are you going to after the property owner or the renter? I can see both sides of this both as being a renter and a homeowner but I’m supportive of the idea of doing something to clean up some of these yards because there were some that were just very embarrassing and the neighbors shouldn’t have to put up with that.
- Brian McCarthy – I fully support this motion, but I have to say it’s unfortunate the fire department is charged with presenting this report. It kind of infers that the reason this report is being received by council is for fire hazards or public health threat hazards. The definition of public nuisance in the dictionary is “an act, condition or thing that is illegal because it interferes with the rights of the public generally”. So, I would really encourage the city to really ask themselves why are we looking at this and if it’s really just for public health and fire safety that’s fine but maybe we can create a different program and have some synergies between the two programs that looks at public nuisances beyond fire and public health threats. For example, the right to enjoy your property, the right to ensure your property values remain stable and things of that nature. Really want to understand what the motives are behind this coming to you the council and the fire department presenting the report.
- Liesbeth Visscher – Just a short reply to the comments from Les regarding tenants not always treating their homes and yards well. I have been a tenant for quite a few years. I have worked in property management, I’m actually working in property management again and I own rental homes and I want to speak about the tenants and that this is definitely not always the case and I just resent hearing comments that talk down to tenants. I know this is not right expression I’m using but I’m

giving a spontaneous reply to just speak for the tenants that do take care of their yards and homes. Thank you.

- Cristina Medina Dirksen – Was this just looking at commercial property or commercial and residential property? Because if we're looking at residential property, I know a group of Marina residents who helped an elderly lady clean her yard. She was of economic means that we lower and of the inability to physically do it herself. So, I wonder if that is a consideration to some of these overgrown weeds; and hats off to I believe Gaylee Jablonski and if not to our Mayor's effort to help a neighbor abate their weeds. Wanted to point out that there may be some economic reasons out there, maybe we all can't afford or have the physical ability to take care of our yards and in that case, I commend the community who stepped up to do that. Maybe there can be some way to support that effort whether it's through volunteers or a sanctioned city program that might be able to assist those with low-income homeowners with weed problems.
- Grace Silva-Santella – I was one of the persons along with Gaylee and Bruce and a couple of other people worked on that property. That wasn't really a weed problem, that was just helping somebody who was going through a very difficult medical issue with her husband and we as neighbors and friends came together and helped her in her garden. How do we define public nuisance? The work Doug McCoun is talking about here seems to be weed abatement and a little humorous note, many, many years ago when we first moved here we actually got one of those notices and it totally horrified me and I thought it was about all these wood chips I just laid down in my front yard but fortunately I was told no it's not your wood chips it's the pile of wood you have leaning against your house, which my husband and I immediately moved and stacked somewhere in a more appropriate place on our property. So, my question is about the "public nuisance" element of this agenda item. There are two properties on Melany that are just horrific and they don't meet I believe this weed abatement problem because I'm not seeing them on the list but they are clearly a public nuisance, a safety issue, a health issue so, maybe when you close the public hearing comments you could just answer or go into what is public nuisance.

Mayor Delgado closed the public hearing.

MORTON/BERKLEY: TO OPEN A PUBLIC HEARING TAKING TESTIMONY FROM THE PUBLIC AND CONSIDER ADOPTING RESOLUTION NO. 2020-116, APPROVING ABATEMENT OF WEEDS, ACCUMULATION OF RUBBISH AND/OR REFUSE UPON SPECIFIED PRIVATE PROPERTY PARCELS TO BE PUBLIC NUISANCES BY THE CITY PUBLIC WORKS DIVISION, AND; SET PUBLIC HEARING FOR TUESDAY, OCTOBER 6, 2020, AT 6:30 PM OR THEREAFTER 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 ASSESSOR'S OFFICE. 4-0-0-0 Motion Passes by Roll Call Vote

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

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

- a. City Council Provide direction to staff concerning development of Council-adopted General Plan and Local Coastal Program amendments to replace the 2000 Urban Growth Boundary.

Council Questions: If we wait until November 3 and on November 4 we say the ballot measure did not pass we would be able to start this second process that you've outlined and if in fact there was a transfer of ownership, a transfer of something that came and an application came to change the use on the northside of the Urban Growth Boundary is the Council or Planning Commission have the ability to reject whatever comes from a developer or land owner; and what is our authority? On the Coastal section of the Urban Growth Boundary, is that section where the Cemex site is currently located? Settlement Agreement with Coastal Commission, State Land & Cemex – we agreed to collectively in that enforceable agreement that the area would be maintained at least a certain percentage of it closest to the City of Marina would be maintained as open space/low impact recreation but not development, correct? So if in fact the Urban Growth Boundary fails on the ballot in November, for the part that we're looking in the pink zone on the coast we would have enforceability of preserving, protecting that that could not be developed in the 3-6 months that it would take for us to enact something because we have an enforceable contract, correct? So, if in fact we don't do anything, we're all hoping Measure Q would pass and therefore that would protect the area to the north of the purple line on you map and the pink shaded coastal area but if it doesn't pass we have a stop gap only as to the area to the east of the pink shape on the coast; and that's outside of our city boundaries and we would be fighting that at the Board of Supervisors', correct? Where are we on the process and timeline of the General Plan? What do you need to get this done efficiently and well so in the future we're not cutting and pasting and putting bandages on it? In this moment, how can we best support our city moving forward around planning in a productive way? If Measure Q fails and then we go and amend the General Plan are we not just disregarding the vote of the people by taking this approach? What are our legal limitations as far as educating the public prior to November 3rd? I assume the present law under urban growth boundary does not have any way that the city council could extend it to similar to the marijuana ordinance proposed where it gets more power to the council, such as an emergency extension? When Measure E passed in 2000 and remaining in place today, can you confirm that it allows developments to occur north of the UGB line but it would be according to County developments, such as a 40-acre parcel with subdivision but can you confirm it today what development could and could not happen north of our UGB? The Urban Growth Boundary approval on the ballot Measure Q would impose the purple line, this does not in any way if we approve an Urban growth Boundary either by the ballot measure or by the secondary measure of the city process we are not prohibiting any of our planned development on the former Fort Ord such as the Dunes, Sea Haven, Marina Station and our vitalization plan for the downtown specific plan everything in the gray area would still be able to have new housing consistent with other plans that are already in place, correct? Does imposing Measure Q affect our RHNA needs?

MORTON/BERKLEY: TO DIRECT THAT NO ACTION TO BE TAKEN ON THE ALTERNATIVE TO THE BALLOT AND THAT WE REVISIT THIS ISSUE THE SECOND MEETING IN NOVEMBER AS TO FURTHER DIRECTION. 4-0-0-0 Motion Passes by Roll Call Vote

Public Comments:

- Cristina Medina Dirksen – Asked Fred Aegerter how many people are in the Planning Department and how many projects he has on his deck right now? I think it is the best idea to wait and see what happens. I understand your council can only use your powers to educate and I would like to

know what the city is doing to educate people on this Measure Q? We're talking about it failing, which is the contingency plan but we should also be talking about what we are doing or what we can do whether we have public workshops, we saw this come down the pipeline and with the redistricting issue but not enough information out to the public so we can't expect the public to make an informed decision without having enough support in various languages or reach out to the community. So, I'm asking you what will the city do to help educate people about Measure Q?

- Les Martin – Is the pink line the northern part of the town? If it's outside of our city that we're trying to limit how can we do that as voters? I agree with Mr. O'Connell's comment that if they do vote it down and we want to turn around and do it anyway I do think we're slapping the people in the face. I'm still trying to learn a lot about this one, so I appreciate any information, I'm listening carefully.
- Grace Silva-Santella – I was one of the residents back in 2000 who voted no, shame on me. However, I voted no because I was quite concerned about the County stepping in and developing on the land themselves. I think it's very important that what the Mayor has asked Fred, if we can get back some information about the very low density that the County could do and therefore that would be one of the reasons the County would not develop that land. About 5-days ago there was a post made on Next Door by Deanna Lyn and the post was to encourage people to support Measure Q. There was very little response to that post. There were 5 yes, we support Measure Q and there were 2 who were saying no to Measure Q. The reasons for the no's were the need for housing for low- or middle-class people, therefore a housing by design, smaller homes, that home ownership needs to be incentivized and that we need more homes/condos/townhouses. I will tell you as a resident who voted no on Measure E back in 2000 but now completely, totally 100% support Measure Q. I have done for 4 responses to that Next Door post and I have explained about Marina Station, about Cypress Knolls, about the number of housing for the Dunes, failed to explain about Sea Haven; and that as Mayor Pro-Tem Morton has pointed out without Measure Q we will not have the ... well what our City Manager also mentioned we need this to get our downtown redeveloped and revitalized. How many housing units out there do we still have to develop but not just the housing units what will the mix of the housing units be? Because I know serving on the Downtown Revitalization Committee, we had a great mixed planned for Central Marina Commercial District. If we could get those two pieces of information some of can really get out there and argue in support of Measure Q. Thank you
- Kathy Biala – Who do you think will be likely opposers of the UGB? You talked about the farming entities probably wouldn't be interested so I'm just thinking who are the likely developers or at this point who would be that entity? Going back to the education and information forum that the city could enact, we do have Land Watch who may have a different take on why they support the UGB but there could also be developers as part of that. Can the city in this context of education and information maybe present a panelist and so the public get to hear all sides of the issue and of course a robust Q&A period. Agrees with Council Member O'Connell's point of looking at adopting a backup before we actually know the vote. it does seem a little disrespectful of the voter's choices, but I think if it comes back that in between the election and when it comes back that we really do an analysis. If there is a tiny difference in terms of almost 50/50 then I think that sort of gives the city the ability to go forward more quickly but if it is a landslide on the opposite then we should really look at as someone suggested what are the reasons for that. Was it purely for lack of education or was there really something that the city has missed that a compelling reason for us to reconsider this and I'm being very variable on this and the cote will surely tell us some information? So, when it comes back, we should do an analysis. Thank you.

- b. City Council consider adopting **Resolution No. 2020-117**, provide direction to purchase the Rosenbauer Battery/Electric Fire Engine or request the refund of the \$200,000 deposit and apply that amount to the purchase of the Rosenbauer Avenger Fire engine; and consider the 100% Pre-Pay option if directed to purchase the Avenger Engine; and authorizing the City Manager to issue a purchase order for a Rosenbauer Battery/Electric Engine or request a refund and apply that amount to the purchase of a Rosenbauer Avenger Engine on behalf of the City subject to final review and approval by the City Attorney; and authorizing the Finance Director to make necessary accounting and budgetary entries.

Council Questions: Difference between battery/electric versus diesel in firefighter safety? How many injury or illnesses in your career do you see when firefighters are in their career; and what kind of injuries/illnesses do you see when they're retired? Which one do you recommend? Is the current new diesel adequate for our needs? When you're talking about the diesel column would that be the second engine very similar to the one, we just bought? If we got another diesel then is it more likely that we would be able to get the third engine which is a Quint? What is the cost of the Quint? So, if in fact you were looking at the diesel or the battery-electric why would we at \$1.4 million, why wouldn't we consider the third alternative, the Quint in the year now if we're going to spend \$1.4 million? Does it meet the needs currently and future needs? Would the fire dept be able to function to the service level that you believe desirable if..., we just purchased the diesel but instead of purchasing a battery-electric and instead of purchasing a second diesel engine that we just purchase the Quint? Is there any feasibility of extending the down payment sacrifice period on the battery-electric to January or next July when we see what the ramification of Covid are? Does that company based on worldwide pandemic if we said we are wanting to go forward would they extend the payment period for the full payment \$1.4 million for a longer duration of time? Based on the reduction in our revenues for this fiscal year from what was projected to be \$24 million and now were strangling at \$20 million, how do you as our financial advisor suggest that we approach this? If we go all in with a couple of 20-year vehicles and ordering the Quint, do you think we might get caught after 5-10 years with the world changing to smaller vehicles and we've gone all in with two bigger and if that does happen, what kind of return on our investment do we get if we were to sell these before their 20-year lifespan? What engine do we have now and how old is it that the Quint would be replacing? Climate Changes affecting the fires in the area and the wear and tear on the trucks and if there is a correlation that needs to be factored into which truck, we would purchase? If we look at this over the period of life of the truck, financially are we still better going with the diesel? Are either of the Drone or command center features available to the engine we just purchased and are either of those features available to a diesel engine if we buy that diesel engine next instead of battery-electric? Have you heard from your staff if they are in support of one way or another or no bid deal on which they get? Can you explain the differences in the Cabs of the battery-electric and the diesel? Is there any documented research that shows this kind of engine protects the firefighters against cancer or lung disease?

Public Comments:

- Cristina Medina Dirksen – When we look at the extra \$500,000 for this, how much more are we going to have to spend to outfit it? So, we're getting an engine right, but we're going to have to buy all the equipment when a nozzle on a fire hose costs \$1,000. We're probably going to look at half a million dollars extra to get all of the equipment on there and I worry about that cost because it seems bells and whistles are fantastic; we really have to be realistic with that you're spending. So, you may have a top of the line piece of equipment but it's going to take you a year or so to get it into service. So, we have to make that a consideration factor. If you do a custom build on the next fire engine if there's some compartment that could be built to address some of those concerns of turnouts or minimizing exposure to harmful chemicals and carcinogens that the firefighters run into fighting a fire. Super cool idea I thought was neat was the drone equipment. Being able to fly

out before and getting an update on the fire, I mean that seems to be something we should be able to do now with the correct staffing. If we don't go forward with the electric, we have a significant cost savings we might be able to play around with a do some other things relating to equipment. I Appreciate Chief McCoun's analysis and of course we would love to have top of the line, but it makes me wonder if now is the right time to do that considering that there's probably not many grants. Would it affect our ability to go on a strike team? What about its battery life? I look forward to hearing these answers, thank you.

- Les Martin – Thanked the Chief and his staff for all that they do, especially during these fires. I want you guys to have the best of everything obviously. Was a little shocked when I saw the price difference so to me it's going to be your decision on what capability you really need versus the cost and what we can afford. As a supply officer in the Navy I would say when I'm supporting maintenance for new items, I would be careful to say that we're getting a lot of cost savings because we don't necessarily know that. Historically in the Navy those costs would be, yeah they might have better reliability and be down less time but sometimes when they were down they were really hard to replace, very expensive items. Seem to have two truck that are basically the same model, same style we might be easier supportability than having two totally different engines. Again, what's the capability of what you really want, what you need and what can we afford? Also, I think when you have a new item like these electric engines you're paying a lot of developmental costs in the earlier versions so I expect the bigger cities to be paying a lot for us so perhaps if we could delay a couple of years and look for grants I think that's another option to look at. Ideally if I have four trucks I want to replace one every five years, two years apart and then 18-years from now we'll have to replace two again at the same time so, I would like to space it out a little bit. Just some food for thought.
- Denise Turley – Asked if she heard the Fire Chief mention a handicap van that they could get the whole chassis to raise and lower for easy of getting a person out? Would that positively affect workers comp if the vehicle was adjustable at the height while their using the vehicle?

9:55 pm

Berkley/Delgado: to continue the meeting to 10:30 PM. 4-0-0-0 Motion Passes by Roll Call Vote

MORTON/BERKLEY: TO ADOPT RESOLUTION NO. 2020-117, DIRECTING STAFF TO REQUEST A REFUND OF THE \$200,000 DEPOSIT AND APPLY THAT AMOUNT TO THE PURCHASE OF THE ROSENBAUER AVENGER FIRE ENGINE; AND CONSIDER THE 100% PRE-PAY OPTION IF DIRECTED TO PURCHASE THE AVENGER ENGINE; AND AUTHORIZING THE CITY MANAGER TO REQUEST A REFUND AND APPLY THAT AMOUNT TO THE PURCHASE OF A ROSENBAUER AVENGER ENGINE ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY; AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES. 4-0-0-0 Motion Passes by Roll Call Vote

- c. City Council consider adopting **Resolution No. 2020-118**, revising the loan program for residents and businesses of the city in response to the covid-19 pandemic, vesting discretion in the City Manager, City Finance Director and City Attorney to make required changes to the program guidelines necessary to implement and administer the program, authorizing the City Manager to execute any agreements and promissory notes necessary to implement the program, and authorizing the Finance Director to make necessary accounting and budgetary entries.

Council Questions: Potential Changes to Business Loans, is it a 45-day period because March to May is confusing? Do you see any wisdom in offering loans up to \$5,000 for those businesses that don't meet the income requirement? Can we compromise and have a \$5,000 availability to homes that go up to a higher level than 135% of the County Median Income but not be for really super endowed businesses?

Delgado/Berkley: that we approve all three options on page two of the resolution, section but remove deleting the word closed between March -May timeframe.

Sub Motion

O'CONNELL/MORTON: THAT WE APPROVE REVISING THE RESIDENTIAL AND SMALL BUSINESS LOAN PROGRAM BUT CHANGE #2 MARCH 1 – MAY 31, AND DON'T MEET THE INCOME REQUIREMENTS OF 300% OF MONTEREY COUNTY MEDIAN IN 2019. 2-1(Delgado)-1(Berkley)-0 Motion Passes by Roll Call Vote

O'Connell -Yes; Morton -Yes; Berkley -Abstain; Delgado -No

Public Comments:

- Christina Medina Dirksen – I know exactly the business Bruce is talking about and that it the one I want to advocate for. They do make a little too much money and she has worked so hard to stay open because that's her work ethic. Unfortunately, she had to close hours and it's almost like she's being penalized for the strong work ethic they do have. So, I would respectfully ask you to please ditch the requirement that they stay closed because for many of our Mom and Pops, especially ethnic businesses that is your work ethic. Through thick and thin you stay open. Wanted to give hats off to Monica Kim and Kathy Biala for outreaching to the businesses for getting them as much help as possible. Not with just our loan program but with federal programs and getting extra money coming their way. The income requirements, I think we need to be as lenient as possible. I have heard of any fraud but when we're talking about the livelihood of our businesses mostly Mom and Pops, we have to do whatever we can to support them. We mentioned the grocery stores doing well, having friends who own grocery stores and they have taken their own toll, while it may not be extremely to the extent of financial it has been extreme protections for their employees giving them ample time off so while their bottom line might look nice their internal protocols have been stretched as well as their staffing has been stretched. We have to support our business community as best we can. Thank you.
- Kathy Biala – I really think that we need to step back and say why are we assuming that these folks are not being affected as much as we think they are. I can't believe we're talking about exploitation and that some businesses like the large grocery stores and the tech companies that is something that doesn't apply to Marina businesses at all; and if you ever had to run a business you know that what has happened in this pandemic is tremendous in terms of income reduction. Many of the federal and other loans they don't even ask about household income. I think we have made this so cumbersome and I understand the motivation that we don't want to be used and abused but our businesses are not in the category. I think that when you're talking about putting a measure in for closure of a business if you stayed open you'd know that these businesses are suffering; you know that they have thought of all kinds of ways in which they could bring business to them in this kind of situation; and you know that they have often had to spend money to accommodate new things for protections and new ways of running their business, so I think we start with the assumption that it is a terribly tough time for our small businesses and then we do as much as possible to make it easy. The money is going to be gone anyway so, why are we putting people through so much? Our loan application is still so complicated than some of the federal loans. Please, if you're going to use household income do the 300% and if it's only for \$5,000 then be

generous in terms of who comes knocking for that money. I think we're getting too restricted; it doesn't fit the situation. I would like to see the days closed issue taken out and be as generous as you possibly can on any other parameters. If you can prove there are people out there in Marina making more money than they did before March I would be very surprised. So, if that's not the case then let's not make the assumption that applies to all the small businesses. Thank you.

10:29 pm

Berkley/Delgado: to continue the meeting to 10:40 PM. 4-0-0-0 Motion passes by Roll Call Vote

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 10:43 pm

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor