



MINUTES

Tuesday, July 20, 2021

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

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/>

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: Cristina Medina Dirksen, David Burnett, Lisa Berkley, Mayor Pro-Tem/Vice Chair Kathy Biala, Mayor/Chair Bruce C. Delgado

3. CLOSED SESSION: *As permitted by Government Code Section 54956 et seq., the (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, Preston Park Sustainable Communities Nonprofit Corporation, Successor Agency of the Former Redevelopment Agency Members and Marina Groundwater Sustainability Agency) may adjourn to a Closed or Executive Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City's Meyers-Milias-Brown Act representative.*
 - a. Conference with Legal Counsel – anticipated litigation, significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of CA Govt. Code sec. 54956.9 – one potential case

- b. Conference with Legal Counsel, one case of existing litigation pursuant to paragraph (1) of subdivision (d) of CA Govt. Code Section 54956.9: City of Marina v. A Taste of Elegance, LLC, Monterey County Superior Court Case No. 21CV001554.”
- c. Labor Negotiations
 - i. Marina Employee Association
 - ii. Marina Professional Fire Fighters Association
 - iii. Marina Public Safety Managers Association
 - iv. Marina Middle Manager Association
 - v. Directors
 - i. Community Development Director
 - ii. Finance Director
 - iii. Fire Chief
 - iv. Police Chief
 - v. Public Works Director
 - vi. Recreation & Cultural Services Director
 - vii. Assistant City Manager

City Negotiators: Layne P. Long, City Manager and Employee Relations Officer

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

Robert Rathie, Assistant City Attorney reported out Closed Session: Council met in Closed Session on the three matters listed on the agenda. Council received information, gave direction and no reportable action was taken in Closed Session.

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.*

- Denise Turley – From the last meeting, even though I did ask my question twice because it was misunderstood the first time, I never did get an answer. Can you tell by the number of people who failed the process of applying for rent, can you correlate to that the applicability of the rents? Are they too high or too low?
- Mike Owen – Wondered why Consent Agenda 8m, Appointments says none when in the staff report there's a recommendation to fill the vacancy on the Recreation and Cultural Commission? Referring to that recommendation, there were four candidates rated by the two panelists and three of their total scores were higher than the score for the person being recommended. Asked why

Gainell Paige was not reconsidered for the commission? Asked to bring this commission appointment back for reconsideration.

- Grace Silva-Santella – Commented on the MST Bus Surf-Line Project and urged the Council to request MST do a full EIR on this bus line project. Concerned about this bus line and question the ridership numbers. The bus line will do nothing to eliminate the heavy traffic; and will do nothing to eliminate the traffic of those people who have to work 2 jobs because of high housing costs. It closes off a critical and easy access points to the Fort Ord Dunes State Park, that those living off of Reindollar depend on. It will impact connectivity of two sides of Marina on Del Monte Avenue with a double layer of security fencing. Believes that a full EIR is necessary to evaluate all of these environmental impacts and to fully evaluate alternatives. The alternative that would appear to be the most cost effective and easiest to implement would be a dedicated bus lane on Caltrans Highway-One corridor. I urge you to take an official position and write to the MST Board and ask that a full EIR be completed on this project. Thank you
- Hans Ongchua – Commented on the MST Surf Line project - this 6-mile bus proposal is expected to impact 26-acres from Marina to Sand City and will run between the coastal trail and Beach Ranch Road. Disagree with MST's determination that the effects resulting from this project are less than significant or can be mitigated. The California Coastal Commission and Keep Fort Ord Wild have raised serious concerns about this busway and its impacts on environmentally sensitive habitat areas along its route. Questioned whether it is a substantial improvement over existing transit infrastructure. Concerned this busway will eventually be used as a HOB or a Toll Lane thus raising the prospect of increased traffic on Reservation and the southern segment of Del Monte. Thinks MST and TAMC are trying to fast-track this project through its mitigated negative declaration. Asked Council to demand an EIR to ensure that this busway is properly scrutinized. Thank you.
- Christopher Bloom – Announced that Element 7 is close to opening their door here in Marina. Hope to have construction finished by the end of the week, with the development agreement and all of our inspections and training done hopefully next week and opening up before the end of the month. Excited to be the first dispensary to open in Marina. Special thank you to Matt and Christy for your help and assistance with all the paperwork and navigating everything we have to go through and looking forward to be a valued member of the business community here in Marina.
- Steve Barnett – Opposes the MST Surf-Line Project and is requesting that City Council request a full EIR. When looking at the position of the California Coastal Commission, the California State Parks, the Keep Fort Ord Wild groups it doesn't seem that moving this forward without an EIR that would evaluate both the impacts and alternatives is really a reasonable thing to do. So, I would ask you, not sure what you can do at this point, I understand the results of the meeting of MST on June 14th, but I would state that whatever you can do, whatever position you can take I would ask that you advocate for an EIR on this project. Thank you.
- Tanja Roos, Blue Zones Project Monterey County – we're a community of well-being improvement initiative and our work started in Salinas in 2018 and we are currently as of June 1st expanding the project into what we're calling the Peninsula Cities; so, those are the cities are Marina, Monterey, Seaside, Sand City and Del Rey Oaks. Met with many of your city staff about some of our different initiatives that we're looking to support and amplify, the good work your city is already doing. We're looking for way to help make the health choice the easy choice. Looking at opportunities to optimize the surrounding environment in schools, grocery stores, worksites, restaurants to make it easy to be healthier. I think we can agree in these pandemic times health and wellbeing has become a lot more important and thanks to the support of Salinas Valley Memorial Healthcare System, Taylor Farms and Montage Health all of the work we do and everything we offer to the community is 100% free. Another aspect of the work is working across policy so we're

going to be looking to find ways to support your staff on the built environment, so our cities are more livable, bikeable, walkable, in the food environments they're looking at food access and equity, food skills, education and tobacco cessation. Excited to have this opportunity to speak this evening and looking forward to having the chance to work alongside city staff more and to hear from the council members. Invited council to Ribbon Cutting event on August 3rd in our Monterey office.

- Mike Kennedy – One of the many reasons our city is opposed of the slant wells is because the very real harm that would be done to our native habitat both flora and fauna. It is concerning that the city appears to be favoring the Bus Surf Lane. The 6-miles of a bus lane are more in area than the slant wells would occupy, and the 6-miles of bus lane would cause more harm to our native habitat. At some point the bus lane will go before the Coastal Commission for their approval. The Coastal Commission will remember Marina's argument against the slant wells, the destruction to our native habitat. I imagine the Coastal Commission will be wondering why the mixed message. We are either for protecting our native habitat or we are against protecting our native habitat. In endorsing the bus lane, the conflicting message that will ultimately be sent to the Coastal Commission jeopardizes our towns arguments against the slant wells. Is the proposed bus lane really needed? How many people will this bus lane benefit? It appears to look like a wasteful, pointless initiative that only gives the appearance of having value. I believe that there needs to be much more study, thank you.
- Karen Hassan – Member of the Marina Equestrian Association. The center was established as a horse park for the City of Marina with the intent to host horse activities and involvement within the community. Boarding at the facility was intended to be short-term for people visiting the area for limited periods of time. The deed of trust for the park explicitly states that long-term boarding is not allowed. The Marina Equestrian Center and Marina Equestrian Association has been out of compliance with the deed of trust for 20-years. The City of Marina is aware of this. The city has been warned about being out of compliance posses' risk that the park and deed of trust is revoked and removed of possession of City of Marina. This is not the first time the city has tried to replace the MEA as the vendor for the facility. The facility is hazardous to horses, people and exist in a state of neglect and disrepair that is shameful to the memory of the proud calvary and history of the facility. The hazards and neglect are well documented and are not a matter of opinion but reflect hazards that well known and taught throughout all respected horse education and organizations. The City of Marina has been receiving funds that are supposed to be directed towards maintenance of the facility and they have not done that. I'm hopeful that this will be addressed.
- Council Member Medina Dirksen – Shout out to Marina Elite Basketball who are in Las Vegas competing in a tournament. Nate Young who is a Marina resident is competing as well as several other teens. Announced a Matelota a Marina resident is bound for the Olympics. He was a former Seaside and MPC football player who is now playing rugby. Friends of the Marina Library Community Read happening of the book Cast on Friday. Interested parties may go to the Friends of the Marina Library Facebook page for more information. Announced Covid vaccination sites in Marina this week at WalMart Pharmacy, Doctors on Duty Marina, Walgreens, CVS Pharmacy at Stillwell, Bienestar Marina, Monterey County Clinic at Marina, CVS Pharmacy on Reservation Road.
- Council Member Burnett – Acknowledge the 26 participants for attending this evening's meeting and asked if maybe Mayor could announce at the beginning of the meeting how may attendees are watching the meeting? Spoke about the nationwide voter suppression and voter nullification. 46 proposals have been put forward in State Houses across the country that seek to reduce, make more difficult or eliminate the possibility poor and underrepresented people across our country. Big money has been pouring into these campaigns, money as well all know is the root of all evil as it related to political campaigns. As we educate ourselves on this please reach out and participate in

the campaigns to help restore voter rights across the United States. Voting is a very treasured and valued foundational bedrock of our country and the attempts by some, the monied to reduce and eliminate voters is something we should all find a pertinent and try to support as much as we can. Thank you

- Mayor Delgado – Thanked the volunteers for their support in the litter pickup along 12 miles of roadside North town, starting with the Beach Road roundabout hitting all the way over to highway one and Del Monte road, special thank you to the Monterey Regional Waste Management Authority who picks up our consolidated bags and bulky items; next event on July 25th at Salinas Avenue and Reservation Road we're going to clean up the bike path Reservation road, and the 25 acres of oak woodlands, that are between Carmel Avenue and reservation road, hosted by Citizens for Sustainable Marina. We've been working really hard to support the re vegetation of the hilltop future Hilltop Park is over there in the dunes and so there's approximately 22 different local native plants that volunteers are keeping an eye on collecting a lot of seed from the plants, processing those seeds and growing those seeds, to be able to give for free to the park development should the park developers want those seed; so we're working as an ad hoc committee a representative pair, Fred Watson and I with a lot of volunteers to spend a lot of hours every Wednesday and Friday from 6pm to 8pm, two hours, Wednesday and Friday. A shout out to the Clark family who brought handcars onto our railroad through Marina. It's a six-mile trip. www.handcar.com

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 98000-98079, totaling \$182,089.31
Successor Agency Accounts Payable Check Number 67-68, totaling \$4,036.70

b. MINUTES:

- (1) July 6, 2021, Special City Council Meeting

c. CLAIMS AGAINST THE CITY:

- (1) ~~City Council Rejection of Claim—staff recommends that the City Council reject the following claim and direct sending appropriate notice of rejection to claimant: Mark Daly for a claim received on July 7, 2021. Pulled by Council member Medina Dirksen, becomes agenda item 11b~~

- d. AWARD OF BID: None
- e. CALL FOR BIDS: None
- f. ADOPTION OF RESOLUTIONS:
 - (1) City Council consider adopting **Resolution No. 2021-85**, approving the designation of a portion of Lot 24 as shown on the Phase 2 East Final Map as 4th Avenue Right of Way.
 - (2) City Council consider adopting **Resolution No. 2021-86**, authorizing application for and acceptance of a 2021 Coronavirus Response and Relief Supplemental Appropriations Act Federal Aviation Administration Grant for the Airport; and authorizing City Manager to execute the application and grant agreement.
- g. APPROVAL OF AGREEMENTS: None
- h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None
- i. MAPS: None
- j. REPORTS: (RECEIVE AND FILE):
 - (1) ~~City Council consider adopting Resolution No. 2021-, receiving Marina Police Department's 2020 Annual Report.~~ ***Pulled by Mayor Delgado for comments and to allow Chief Nieto to give a short summary, becomes agenda item 11c***
- k. FUNDING & BUDGET MATTERS: None
- l. APPROVE ORDINANCES (WAIVE SECOND READING):
 - (1) ~~City Council consider reading by title only and adopting Ordinance 2021-04, amending Title 2 "Administration and Personnel" of the Marina Municipal Code so as to repeal Chapter 2.54 "Campaign Finance."~~ ***Pulled by member of the public, becomes agenda item 11a***
- m. APPROVE APPOINTMENTS: None

Greg Furey requested to pull agenda item 8l(1)

Council Member Berkley requested to pull agenda item 8l(1)

Mayor Delgado requested to pull agenda item 8j(1) for staff to summarize the annual report

Council Member Medina Dirksen requested to pull agenda item 8c(1)

BURNETT/BERKLEY: TO APPROVE THE CONSENT AGENDA MINUS 8c(1), 8i(1), AND 8l(1). 5-0-0-0 Motion Passes by Roll Call Vote

- 9. PUBLIC HEARINGS: ***Public Hearing Continued to August 3, 2021***
 - a. City Council open a public hearing and take testimony from the public on extension of Marina Station Development Agreement.
 - i. Approve Resolution 2021-, approving Assignment of Development Agreement related to the Marina Station Project to 3rd Millennium Partners.
 - ii. Introduce Ordinance 2021-, read by title only and waive further reading approving the First Amendment to the Development Agreement related to the Marina Station Project.

PUBLIC HEARING CONTINUED TO AUGUST 3, 2021

Mayor Delgado opened the public hearing for public comments: None Received tonight and we're continuing public comments to August 3, 2021.

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 reading by title only and adopting **Ordinance 2021-04**, amending Title 2 “Administration and Personnel” of the Marina Municipal Code so as to repeal Chapter 2.54 “Campaign Finance.” ***Pulled by member of the public, was agenda item 8l(1)***

Council Member Berkley - I pulled this because I will be voting no on this item because council member Burnett and I were not included in the conversation and I would have liked us to come up with another finance reform. I agree that our, our former campaign finance reform was a bit too stringent. However, I'm not in agreement with, with the process with which we got to this decision so I will be voting no on it.

Council Member Burnett - approve the resolution, resending the campaign finance and the substitute motion is that we direct staff to come back with alternatives for a less restrictive campaign finance ordinance. campaign finance has been a particular issue of mine; I agree with Councilmember Berkeley that the ordinance that was in place, might have been a little bit overzealous. No one seems to be complaining about the intent, which was to keep finance to keep big money, or to keep corruptible money out of campaigns.

Burnett/Berkley: to approve reading by title only and adopting Ordinance 2021-, amending Title 2 “Administration and Personnel” of the Marina Municipal Code so as to repeal Chapter 2.54 “Campaign Finance.”; and direct staff to come back with new information or additional information on a less restrictive ordinance that would be more appropriate for our city

Substitute Motion

DELGADO/MEDINA DIRKSEN: TO APPROVE READING BY TITLE ONLY AND ADOPTING ORDINANCE 2021-04, AMENDING TITLE 2 “ADMINISTRATION AND PERSONNEL” OF THE MARINA MUNICIPAL CODE SO AS TO REPEAL CHAPTER 2.54 “CAMPAIGN FINANCE.”. 3-2(Burnett, Berkley)-0-0 Substitution Motion Passes by Roll Call Vote

Council had discussion on the intent of current ordinance and the state ordinance

Mayor Pro-Tem Biala read the requirements for the City of Marina current Campaign Finance Ordinance.

Public Comments:

- Karen Andersen – I walked for four campaigns this past campaign cycle, and in two cases, I just committed to neighborhoods, and I went door to door and pass out literature for measure Q and for our victorious county supervisor. And that's all I had to do I said I was going to do it in certain neighborhoods, and I went and did it, but for our council members campaigns, I not only went door to door, I had to say, which stores I went to, on which days, and which phone calls I made on which days. And that's a little bit onerous there's no corruption in making a mistake perhaps in walking a street and forgetting which day I walked it, there's some corruption to something like that but that's in this ordinance that I really happy would be really happy to see eliminated from the city of Marina
- Harvey Biala – At the June 2 City Council meeting I voice my opinion as a concerned citizen and as the treasurer of the Kathy Yaeko Biala 2020 finance committee to rescind this poorly conceived and clumsily written Marina campaign finance ordinance. I am again raising my voice in this matter. As the city staff has now recommended the repeal of this ordinance, and the cost benefits to the city of Marina has shown little benefit, but plenty of cost. There is no history of financial corruption and past city council campaigns, this ordinance has truly shown itself to be less than a useless endeavor. It has sown division and the City Council and made the mechanisms of running for the City Council, much more difficult for newcomers running against incumbents. State of California has passed the law, which finally covers the oversight of local elections by the FPPC, including the financial costs of investigating any election improprieties in a much more equitable way, and first render the soon to be rescinded local campaign ordinance mute. Thank you
- Mike Owen – Disagree with the Mayor's version of the ordinance, as having absolutely no redeeming features whatsoever as far as purpose intent or detail. Agrees with Councilmember Burnett, that the intent was well intentioned. impressed by Mayor Pro-Tem Kathy Biala's just verbatim reading from the ordinance, which I think is the most powerful inditement against continuing to have the ordinance. And finally, I totally agree with council member Berkeley, that any further discussion is going down the rabbit hole
- Denise Turley – I think everyone agrees, it was a mistake and wants to possibly start over. Let's get rid of it. You guys have a difficult job, and you make really important decisions. Look at this particular incident as a training for being more careful more thoughtful, more deliberative in the future.
- George Powell – Agrees, this campaign reform needs to be thrown out. The way it's worded is corrupt in and of itself. Anybody could donate too much, and then the who's in control is the person they've got the donation, not even knowing that they got that donation. So, I think it's corrupt in that way and it's just full of scary language that would scare away, a newcomer, and you almost have to hire a lawyer to, to help you out with the, with the maze of legalism in this. So, I would say to throw it out. Thank you.
- Greg Furey – The Mayor stated the penalty provision of the ordinance is draconian and that is a misrepresentation. That would only apply if the matter was sent to the district attorney by the city attorney or independent legal counsel and the district attorney's office, would have to decide whether to prosecute or not, finally a court decision has to be made. You failed to inform the public that Marina municipal Code Section 1.08.010(a) gives your city attorney the discretion to find that any potential misdemeanor an infraction; and that is what was found in the two cases. The \$4,900 donation cap was intended for state offices, not for a little town like Marina. My suggestion to the public is for any issues of controversy that come up in the future, follow the

money. Watch who has received money, and who may receive money after the fact. It is a matter of concern.

- Paula Pelot – Heard a lot of things said tonight that maybe misleading. Many of the things Mayor Pro Tem read in that ordinance reference state codes, and regulations, and those don't change whether you get rid of this ordinance or not. Not arguing to keep this ordinance what I have argued for before was to implement some other ordinance that has reasonable limits. What I just heard you Mr. Mayor saying that this ordinance allows wealthy people to come in and put in all of their own money and there's nothing that changes. If we get rid of this ordinance that still happens, the state doesn't prevent it and the city attorney explained that before, that is a First Amendment right, freedom of speech. The idea that somebody who is a neophyte who's running for office can't handle this is really an odd argument to me. Was a treasure for various campaigns and did not know the laws but I read all the laws. It's your responsibility and it's very clear when you sign up as a campaign Treasurer that you are responsible. The idea and intent behind this were to remove any special interest monies that were excessive and be somewhat more restrictive in terms of the amount of individual contributions. There are many models for these, Monterey past one just before we did. Very simple and straight forward. Would hope that we would please revisit this and look at that and get something on the books. Thank you

- b. City Council Rejection of Claim - staff recommends that the City Council reject the following claim and direct sending appropriate notice of rejection to claimant: Mark Daly for a claim received on July 7, 2021 ***Pulled by Council Member Medina Dirksen, was agenda item 8c(1)***

Medina Dirksen – What is the next step in the procedures after council denial?

MEDINA DIRKSEN/DELGADO: TO APPROVE STAFF RECOMMENDATION THAT THE CITY COUNCIL REJECT THE FOLLOWING CLAIM AND DIRECT SENDING APPROPRIATE NOTICE OF REJECTION TO CLAIMANT: MARK DALY FOR A CLAIM RECEIVED ON JULY 7, 2021. 5-0-0-0 Motion Passed by Roll Call Vote

Public Comments:

- Paula Pelot – Spent years in government and this is a very typical process in order to move it to the insurance company, and I would caution that commenting on them, could be problematic down the road if this goes into litigation. So, if you really feel the need to discuss something. perhaps it's better discussed in closed session so you can be aware of it that way, thank you
- c. City Council consider adopting **Resolution No. 2021-87**, receiving Marina Police Department's 2020 Annual Report. ***Pulled by Mayor Delgado for comments and to allow Chief Nieto to give a short summary, was agenda item 8j(1)***

Chief Nieto suggested that the public read the report attached to the agenda packet for more detailed information.

Council Questions: Can you expand on what the TCP Program is? Of the 29 sworn officers how many are either patrol officers or sergeants that assist those officers on the streets when needed? How many beat patrol officers do we have? What's the difference between disorderly conduct versus peace disturbance? Where does domestic violence fit in? What is the difference between a sworn officer and community staff? What's the difference between Sworn and Civilian Staff? What happened in 2016 in the Part I and Part II crimes?

DELGADO/MEDINA DIRKSEN: TO ADOPT RESOLUTION NO. 2021-87, RECEIVING MARINA POLICE DEPARTMENT'S 2020 ANNUAL REPORT. 5-0-0-0 Motion Passes by Roll Call Vote

Public Comments:

- Audra Walton – Does the department have any equipment via the 1033 program, and if so, are those items named publicly or could they be in where would I go to find the list? If so, can they be returned? Asked if the department uses Lieutenant Colonel Dave Grossman Academy for training, and if so, is it possible for the department to choose a different training academy?
- Liesbeth Visscher – Thanked the Marina Police Department for all they're doing and have done during a challenging. Previous meetings I've made comments about the decreasing number of Vehicle Code citations and I was glad to see that last year's number was almost double that of the year before and hope that the new speed limits that allow the police to use electronic devices have played a role, and it will help to avoid future speeds queen. National Night Out, now that the Police Department will celebrate that on the Saturday before national night out will residents be able to invite police officers to visit neighborhoods gatherings. Thank you very much for the colorful reports, and informative reports. And as a scrapbook or I especially liked all those photos, thank you.

- d. City Council consider adopting Resolution No. 2021-, approving a site for the placement of the Martin Luther King sculpture donated to the City by the Paige Family.

Council Questions: Can you comment on the importance or your perspective on the security of the front versus the back of the library? Do you think that the front alternative, or the back alternative brought her back to the library, which of those do you think would be easier for the public especially parents with young children, or people with mobility difficulties? you think would be easier for the public especially parents with young children, or people with mobility difficulties? Historically, do you see a big difference or not a big difference in the number of different individuals during the course of a normal year that access the front of the library near where this culture might go vs access the back of the library near where this sculpture might go? The intent of the donation to your recollection, could you recount what location, and what purpose, it, it was given to the city? Exhibit C, paragraph 3, Gainelle Paige, states we support the decision to install the sculpture at Marina Library-Locke Paddon Park location, can you clarify which one she meant in front of the library or the library location? What was the recommendation of the Recreation Commission?

9:42 PM**Medina Dirksen/Delgado: to continue the meeting to completion of agenda items 11a and 11b. 5-0-0-0 Motion Passes by Roll Call Vote**

Public Comments:

- Amelia Murphy – Having this Martin Luther King statue installed in front of the Mariana library would really mean a lot since it's a powerful symbol of justice and equality, especially with the division we see all around us I really think that the time to install his statue in our community is right now. After visiting the library and looking at these two proposed sites. I really think that installing the statue in front of the library would be the best option; the other placement option is very tucked out of the way, which does defeat the purpose of this project.
- Mike Owen – Has ADA requirements been brought up or discussed with the city attorney, with the county, or among our staff? If it does require ADA compliance it's not only the Amphitheatre, but

the seating three tiers of seats, that would have to be totally regraded, but that entire access pathway from the parking lot to the site would have to be also complied with and changed, which would be obviously a lot of extra cost. When Mayor Pro-Tem Biala was looking at the expanse over towards the shed towards the Oak Grove that is an area that potentially will be completely under construction if the Civic Center relocation and the next decade or two takes place as opposed to like if it's in front of the library. You know like where the three-tiered section is or the picnic grounds or something like that. I mean that would be an absolutely permanent site. Thank you.

- Danielle Burchett – Thank the Recreation and Cultural Services Commission, City Staff and City Council for the work you put into the project so far, the packet information is also very helpful. Hopes the city council will select a highly visible location that's commensurate with the honor that this statue deserves. The front of the library seems like an ideal location because it represents a place of learning and is most accessible to people with mobility challenges. Asked if the location close to the building, view 1 #A in the packet is still an option? Seems the most ideal in terms of prominence. Whatever location is selected I hope the city council will be willing to designate appropriate funds if needed to ensure appropriate safe and prominent placement of this important statue. Hopes it would be possible to have this completed no later than Martin Luther King Jr. Day in January of 2022 Thank you
- Audra Walton – Went by the library today and spent a little time with the librarian asked her to show me where the amphitheater as I was one of those residents that didn't know we have one. decided not to go down there, because it wasn't wheelchair accessible. I asked her to take me, where if there was an MLK statue in the front, where that would be, and we went we looked, and we talked about possible location in the front next to the flagpole and, Like, as there's a mandala of beautiful bricks laid in front with various donors that purchase bricks to help with the library. I would love for that to be preserved and not damaged in any way I'm not quite sure if that's even something that we're discussing at this time. I would like to see the statue in the front of the library, next to the flagpole unless the amphitheater can be a real rehabilitated Thank you
- Timothy Thomas – Echoed what a lot of the other folks have said that, having the statue in the front of the library just seems to make the most sense from logistic point of view and also seems to be most in keeping with the spirit of it. So, like to add my support to the front of the library location. Thank you.
- Grace Silva-Santella – Clarified the three-tiered planter that Mayor Pro Tem Biala spoke of in her first photo was never a flagpole area, it was always a three-tiered planter. Just before Covid the Friends of the Marina Library spent about \$10,100 to have the synthetic turf put in there and it's turned into a fabulous extension of the playground area for kids to run around on it. My husband and I walk through Locke Paddon Park and walk around the library regularly, and we think that to the left of the picnic area there's also a triangular section of land that's in between the walkway and the parking strip, where there are irrigation valve boxes, that could be a beautiful location for the statue to be seated in or just situated in amongst the cypress trees but forwarded the trees. Spoke about ADA accessibility so a person will be able to circle all the way around 360 degrees around the statue, so that you can read all of the plaques, and also to be able to traverse to the statue. I would agree with everybody who's spoken this evening that in the vicinity of the library, and in my opinion, left of the picnic area where the children and families, older adults will have easy access to it and be able to enjoy the writings of Martin Luther King is a very important critical area. Thank you very much.
- Sara – Voiced support for installing this statue in front of the library. I believe it's just going to be a great addition to our community. It's a great symbol of justice and unity. And I ask that you please consider installing the statue before January 2022. Supports placement of the statue in front of the Library.

- Liesbeth Visscher – Thanked the Marina residents who have donated Martin Luther King statue, and those who remember that that have been stored and took the initiative to try to put it back on display. Expressed support for finding a good side for it as a symbol of inclusion for all residents of Marina; displaying the MLK sculpture here in Marina is, of course, symbolic of Dr. King's dream and legacy. Marina is a city that supports its residents' dreams recognizes their success and thrives on diverse diversity and inclusion. I trust that you will choose a prominent place where the statue hopefully can be displayed for many years to come. Please remember to include maintenance costs in the cities long term maintenance plan. Thank you very much
- Denise Turley – when thinking about accessibility think about the weight of the wheelchairs, wagons filled with children. The other comment I might make as you keep referring to the back of the library or the back door of the library. I didn't know there was one. A and B, that has a stinging comment for some people. If thinking that some people might think, Oh, well you've relegated the statue to the back door of the library and make cultural or other thoughts or feelings about that you put in behind the library, because you're ashamed to put in front of the library. So, I'd be careful about how you talk about where the way in those terms. Access is not just for wheelchairs and walkers it for moms or dads and pull in a wagon full of kids. It's for people that can't walk very far. And like I say, your fire chief is going to be the one to know about the know best about how much weight can go over what kind of ground flat isn't just it. If it's got five inches of sand, people are going to sink in it, even able people could trip. I support the statue, and hope that you take all of the comments tonight, including maintenance, and placement before doing any anything with the statue, thank you.
- Paula Pelot – You know when we, when we the Marina Citizens for Accountability and Government contributed \$5,000, I think the idea that we had in mind is that this would be prominently displayed. So obviously, especially after hearing all of us tonight that's in the front of the library. So, I want to I want to say that I believe that Grace Silva-Santella I had the most cogent assessment of where the best place might be considering the landscape, the usage, the prominence that will be most available. So, I really suggest you consider strongly, what it was, she put forward and place it in that arena that she identified. Thank you

Berkley/Burnett: that we continue this conversation at our next city council meeting and in between now and then that the city staff reach out to the Paige family and do whatever is necessary to affirm that this is our indeed our property; and also that perhaps the cultural and recreation committee can actually give us a little bit more clearer definition of what they think is in light of tonight's conversation where they think the best placement of that is. Withdrawn by maker of the motion

Substitute Motion

DELGADO/BIALA: ASKED STAFF TO CONSIDER LOCATIONS THAT WOULD BE APPROPRIATE BETWEEN THE SERVICE ROAD, AND THE PLAYGROUND, WHICH INCLUDE EVERYTHING WE WERE TALKING ABOUT TONIGHT THAT STAFF BELIEVES IS IN THE, IN THE RUNNING IN FRONT OF THE LIBRARY AND COME BACK TO US WITH THE LEVEL OF DETAIL THEY'RE ABLE TO GIVE US ON COST AND POTENTIAL AMENITIES, ADA QUESTIONS, ETC. AND UPDATE ON THE OWNERSHIP. 5-0-0-0 Motion Passes by Roll Call Vote

Robert Rathie, Assistant City Attorney - Before we move on to the final matter the next matter on the agenda. Under action items I think we need to go back on our agenda the public hearings. We did not address the public hearing. And I know that this public hearing is going to be continued. This is the one regarding assignment of the development agreement regarding Marina Station. But, but since we published notice for this hearing we should open the hearing, and take comments from anybody who

wants to comment based punk back they can only come at one time. And then the any presentation by the staff and the developer will be deferred. And we'd continue the public hearing till the next meeting

DELGADO/BIALA: THAT WE QUICKLY ADDRESS THE CONTINUANCE OF THE PUBLIC HEARING, AND THEN GET BACK TO 11b BEFORE WE ADJOURN TONIGHT. 5-0-0-0 Motion Passes by Roll Call Vote

- e. City Council consider adopting Resolution No. 2021-, authorizing the City Manager to enter into a Below Market Rate Housing Implementation Agreement with Marina Community Partners allowing Marina Community Partners to pay a fee to the City in lieu of providing Workforce Homes and directing the City Manager to develop a program for use of such fee that provides homeownership opportunities for low, moderate and workforce households.

Council Questions: Where is there anything in our, in our zoning of affordable and inclusionary housing ordinances that allows for payment in lieu of providing workforce housing? The \$35,555 pr workforce home when was that number determined? Is there now way to make these homes affordable? Can the formula be recalculated or modified? Because of the formula either being put into play and it's not working out you've come to another solution so as to try and capture some of those funds and put them to the intended purpose, is that's correct? So is that to say them the formula was flawed, or what occurred so that they're the realization that it's a wash. What happened, so that it didn't work out to as intended? The formula that was used, what was the median house income household income at that time? At one point, there is a conversation, and I was hoping that we're going in that right direction that 25%. It's been requested that 25% of the development be below market rentals and so 5% would workforce 6% very low 7% low and 7% moderate is that anywhere like with where you would like to go or where the city could go if we were to do this in lieu of? Don, if in fact, we do not approve the in lieu of payment would you be willing to work with that formula? What is the time sensitive nature to this item? Would a couple of weeks be a deal killer Mr. Hofer? Don and Layne, what would you think about splitting the baby, saying yes to 35 in lieu for these eight homes and saying, let's wait to see if Councilmember Burnett or other people come up with better program options than the one being offered tonight for the remainder of the homes that are not those eight? On the buyer side, on, on the people who, who want to buy these units for them, it's almost the same as any other market, market rate home correct? What are the restriction differences between workforce and affordable homes for the person who want to buy it? Certainly, we have never done this before, this in lieu for workforce. But are there other people that have done this, other entities that you're aware of? you mentioned in your staff report that we could, we could use this money for affordable homes like at Cypress Knolls so, when we get this cash, is it in one lump sum and then do we put it in some kind of, you know, interest bearing account and so that's better for us? we did this in lieu fee, then MCP doesn't have any, there's no more residual legal responsibilities for MCP? Is this \$35,555 Is it possible to renegotiate that number? How the capacity to administer this program is possible in our staffing, who's going to do the work? The suggestion that we've given okay to the first eight people or, I'm sorry, those that are in line and ready? The buyers of the 45-units, if we make no change tonight and they buy them for \$800,000-\$900,000 are they restricted in how much they can sell their house in the future? What are the correct number the homes are selling for? The range between 740-815 whatever that range was, I have it wrong a little bit probably was that for Workforce sales prices or, truly market rate sale prices? What are the comparable? Is there a Delta? Are you aware of what Marinas exclusionary affordable housing ordinance is and that we're supposed to have 6%, very low 7% low 7% moderate and 10% voluntary and incentive based for total affordable requirements of 20 plus units? How is this being addressed? Is it true that escrows often get extended? Is the majority of

your current buyers from out of the city or county? Is there any way that you can ensure that locals get first crack at some of these houses? The \$35,000 here, my understanding is that that is coming out of the fee for rental units, correct?

BURNETT/BERKLEY: THAT WE OPEN PUBLIC COMMENT AND RECEIVE COMMENTS BUT MOVE IT TO OUR AUGUST 3RD MEETING. 5-0-0 Motion Passes by Roll Call Vote

Substitute Motion

Delgado/Biala: We accept the \$35,000 in lieu on the eight homes. Now buyers now; and we allow David Burnett or others to come back with maybe some different ideas for August 3; and on August 3, we make another decision on what to do with the remainder of the workforce units. *Withdrawn*

Council Member Berkley requested a friendly amendment: *that we have some kind of Nexus study well that really addresses the in-lieu fees that are being proposed*

Public Comments

- Alan Hofa – The public, has been under the impression that there really was some sort of commonality between these different things between a workforce housing, and affordable housing. And the reality is, teachers in MPUSD. Make 40,000 to \$65,000 a year, professors at MPC may between 60,000 and \$100,000 a year, most of your city staff, your police and your fire make maybe 80,000 to \$100,000 a year. So, at those salaries your workforce cannot afford the homes that Mr. Hofer is building. That's not workforce housing. Think's there's a bit of a bait and switch going on here. It sounds like this is a negotiation between you and Mr. Hofer, why isn't this happening and close sessions? Suggested Council continue this direct staff to hire an independent realtor to give you some advice on what actually is the real you know market value of what you're being sold, and then continue that negotiation and close sessions in the future. Thank you
- Ester Malkin – Speaking on behalf of the Monterey County Renters United and as an elected board member of the California Democratic Renters Counsel and having this on your agenda at this late portion of your council meeting is not okay. Support previous speakers' comments. You guys need a housing staffer that's well versed in housing. If you had had a housing savvy person more than likely you wouldn't have gotten to the point that you're at right now. With the amount of development that you have going on in your city, having somebody that knows exactly what they're doing when it comes to housing is critical. Which workforce exactly are you aiming at? Who is the workforce that can afford these kinds of numbers? Suggest council start thinking about who your constituents are and who the voters are, because the majority of the voters in your city are renters. Critical that, especially after a pandemic that has shown how systemic the problems that we have when it comes to the in justices, and the people who are most affected by not having affordable housing, and who this workforce housing is, I strongly think that it's not going to be the minorities that are working in the jobs that are available right now.
- Liesbeth Visscher – Disappointed that it seems that there might not be in any affordable homes available for the local workforce, and I would like to know how the eight potential buyers have been selected by shea. several people who have visited the Dune sales office but if I heard correctly no sales prices have you had been disclosed. If fair housing laws prevent local buyers to get preference. How will the city be able to use the one \$1.6 million or whatever amount that might be agreed upon in the future to help local residents? Agrees the City Council needs more time to research this new proposal. Thank you

- William Greenebaum – This is an important topic and agrees with previous speakers that you really need to take a whole lot more time to visit this very long-term project that if people are going to be able to afford a home, they're going to have to be able to afford to pay it off and, you know, not end up being like other countries where we're mortgaging our grandchildren. Somebody should be able to afford a home and afford to live, while affording that home. This is a dangerous area because you're looking at this value that you could end up as a city, losing an opportunity by making a quick deal with a realtor, or real estate company whatever you want to call them, you know they're in it for the money. We need some real professionals on this rather than our city staff. I love the city, but we can't lose in this one, because if we make a deal now, we're locked. Thank you
- Paula Pelot – The average sales price of Marina homes is \$860,000 and that's up 26.7% over last year sales, so that means this is only going one direction. Alan Hofa pointed out this is obviously negotiation, and I agree it should have taken place in closed session before it came to open session. Why is this coming at the last minute like this under pressure cooker situation where the public who has the largest interest in this, particularly Marina? The \$35,555, the \$1.6 million I'm somebody who administered funds from the Ingram housing fund, and we had \$1.75 million. We attempted to do a Home Buyers Assistance Program and what we found was the small amount of money that we could offer through that program which at the time was \$30,000 was over 10 years ago, was not sufficient for someone who needed that lift, to be able to get a mortgage, no matter what other programs were there of assistance, they could not do it. there is no homeowner's assistance program with \$1.6 million that will be viable. You need to slow the roll on this, get more information, come back to the August 3rd. I don't support the doing splitting the baby Mr Mayor because I think you're setting a precedent. And I don't think you should do that. I think this needs to be well considered, maybe shouldn't be an open session, maybe this should come back as a closed session item. Thank you.

Mayor Delgado withdrew his substitute motion

f. Covid-19 Update

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.

13. ADJOURNMENT: The meeting adjourned at 12:45pm

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor