



MINUTES

Tuesday October 18, 2022

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 accordance with California Government Code §54953(e)(1)(A) and (C) and the Proclamation of a State of Emergency issued by Governor Newsom on March 4, 2020, under the provisions of Government Code §8625 related to the COVID-19 (coronavirus) pandemic, consistent with recommendations by State and local health officials regarding social distancing and in order to prevent an imminent risk to the health and safety of attendees as determined in Resolution 2022-110, public participation in City of Marina City Council public meetings shall be electronic only and without a physical location for public participation until the earlier of May 31, 2022, or such time as the City Council may adopt a resolution in accordance with Government Code §54953(e)(3). 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, Mayor Pro-Tem/Vice Chair Kathy Biala

MEMBERS LATE: Lisa Berkley (7:07PM); Mayor/Chair Bruce C. Delgado (8:03pm)
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 Labor Negotiators (§54957.6)
 - 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

Heidi Quinn, Interim City Attorney reported out Closed Session: Council met in Closed Session with regard to the one item listed under Conference with Labor Negotiator. Council received information, gave direction and no reportable action was taken.

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

5. SPECIAL PRESENTATIONS:

a. Save Our Whales Activities Presentation

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.*

- Mr. & Mrs. Dillon – Asked about why the streetsweeper has not been sweeping their street in over 6-months. getting pretty dangerous, quite a bit of sand buildup and trash everywhere. Issues with road repair on Carmel specifically from Crescent to Del Monte the road markers are like non-existent down there and dangerous while driving in wet conditions and at night.
- Brian McCarthy – Talked about in 1995 the California Legislature enacted a moratorium on certain expansion of card rooms and required any action to go directly before the voters. Concerned about the City's proposal to reduce the buffer zone to 150 feet, so that the proposed Casino cardroom can be located adjacent to Marina High School. Council should listen to the people of Marina speaking against the expansion, take it to the voters.
- Nancy Amadeo – Commented on two possible Brown Act violations the mayor was involved in. Suggested that Council should attend Brown Act training ensure that Brown Act is not violated.

- Liesbeth Visscher – Spoke about the threat to Marina drinking water and encourage everyone to learn more at the Community Forum be hosting in the Marina Library on Thursday, October 27th from 6:00pm-7:00pm. Calam’s proposed Desal project threatens to contaminate and diminish Marina’s water supply if approved by the California Coastal Commission. Asked residents to voice their concerns that the Coastal Commission hearing taking place on November 17th in Salians or in the Marina Council Chambers.
- Denise Turley – Enjoyed talking with the ladies with Citizens for Just Water at the farmer’s market. Asked if someone can explain what the “Yes” on W button that Mayor Pro Tem Biala was wearing means.
- Council Member Medina Dirksen – Noted a citizen could not access the meeting and sent her a question: “Regarding the Pump Track, appeared that work had come to a standstill and He's very interested in being part of the next steps Grand opening in touch with him. It has been paved. However, there's not been a whole lot of activity since. So what's the hold up and is there a timeline”?
- Council Member Burnett – Thank Brian McCarthy for bringing to the attention of this Council the current state of affairs, the history on our cardrooms. Encourage members of the public to continue to write to this council their opinions and ideas about whether or not it's a good idea.

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 100916-101008, totaling \$887,906.59
Successor Agency Accounts Payable Check 95-98, totaling \$54,456.24

b. MINUTES: None

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: Alison Bautista for a claim received on October 10, 2022.

d. AWARD OF BID: None

e. CALL FOR BIDS: None

f. ADOPTION OF RESOLUTIONS:

- (1) City Council consider adopting **Resolution No. 2022-123**, regarding the Ralph M. Brown Act (California Government Code §§54950-54963, making certain findings; and authorizing the city to continue to implement remote teleconferenced public meetings of the City Council and its constituent bodies for the period October 21, 2022, through November 20, 2022.
- (2) City Council consider adopting **Resolution No. 2022-124**, approving the salary range adjustment for Senior Building Inspector and authorize Finance Director to make appropriate budgetary amendments.

g. APPROVAL OF AGREEMENTS:

- (1) ~~City Council consider adopting Resolution No. 2022, authorizing staff to work with Bird, Inc. to implement the deployment and authorize the City Manager to execute a Shared Mobility Agreement, an encroachment permit with a fee agreement, and amendments necessary to implement a Shared Mobility Device Services program in Marina.~~ ***Pulled by member of the public, becomes agenda item 11d***
- (2) City Council consider adopting **Resolution No. 2022-125**, approving an amendment to the agreement between The City of Marina and Formation Environmental, LLC. to provide engineering services for the groundwater sustainability planning; and allocating and appropriating \$38,000.00 from the General Fund; and authorizing the City Manager to execute the agreement on behalf of the City subject to final review and approval by the City Attorney; and authorizing the Finance Director to make the necessary accounting and budgetary entries.
- (3) City Council consider adopting **Resolution No. 2022-126**, approving Amendment No. 6 to the agreement between the City of Marina and Save the Whales of Seaside, California, to provide professional services for the City of Marina's Storm Water Permit Program; and authorizing the Finance Director to make necessary accounting and budgetary entries, and; authorizing the City Manager to execute the agreement on behalf of the City subject to final review and approval by the City Attorney.
- (4) City Council consider adopting **Resolution No. 2022-127**, approving a credit of surplus solid waste collection fees back to rate payers that paid for service in rate period 5 and rate period 6.

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE): None

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS: None

Brian McCarthy, encouraged council to pull agenda item 8g(1) for discussion and had comment for agenda item 8g(3) but supports both agenda items.

Council Member Medina Dirksen had a question, 8f(1) has to do with the teleconferencing and public meetings, and since the governor has plans to end the state of emergency, my question is to our city

manager does that change anything of how we're doing business not right now? On 8g(4), we have a credit coming on solid waste collection fees. I'd like to know what when we can see that on their bills? Asked about the Accounts Payables and the fees for the attorneys. Asked for an explanation of the PG&E loan payback program.

BURNETT/BERKLEY: TO APPROVE THE CONSENT AGENDA MINUS 8g(1). 4-0-1(Delgado)-0 Motion Passes by Roll Call Vote

9. PUBLIC HEARINGS:

- a. City Council open a public hearing, take testimony from the public and read by title only and approve first reading of Ordinance No. 2022-, amending Marina Municipal Code, Title 5 to modify Section 5.32.090 to allow the assignment of a second cardroom permit in the Marina Municipal Code. ***Continued from September 7, 2022, and October 6, 2022. CONTINUED TO DECEMBER 6, 2022***

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

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

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

- a. City Council consider adopting **Resolution No. 2022-128**, approving a Professional Services Agreement with Raimi+Associates (R+A) for the preparation of a comprehensive General Plan Update, EIR, and Zoning Code Update in compliance with State law; authorize the Finance Director to make necessary accounting and budgetary entries; and authorize the City Manager to execute the Agreement on behalf of City with Raimi+Associates subject to final review by the City Attorney.

Council Questions: Does the City envision the project itself would mostly the public interface to it would be through the planning commission or do you expect that there would be council-led planning meetings to take public input and to conduct the regular meetings? Does the \$1.7 million includes an update to the city's GIS capabilities? Do you envision the planning commission heavily involved with the outreach? We have already done a lot of work on updating the general plan, is all that being scrapped and are we starting from scratch or all the work that's already been done going to be capitalized? Will the Cypress Knolls specific plan be in parallel with the updated general plan? Do we have a concept of how they're going to be working in Parallel?

BERKLEY/BURNETT: TO APPROVE RESOLUTION NO. 2022-128, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH RAIMI+ASSOCIATES (R+A) FOR THE PREPARATION OF A COMPREHENSIVE GENERAL PLAN UPDATE, EIR, AND ZONING CODE UPDATE IN COMPLIANCE WITH STATE LAW; AUTHORIZE THE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES; AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF CITY WITH RAIMI+ASSOCIATES SUBJECT TO FINAL REVIEW BY THE CITY ATTORNEY. 4-0-1(Delgado)-0 Motion Passes by Roll Call Vote

Public Comments:

- Mr. Dillon – Asked if the updating has already begun? Where can the documentation be found? Are they updating the Marina general plan in terms of on the website? Who is actually doing that, and is that available to the public as it currently stands?
- Brian McCarthy – express my support for the motion and support for the planning department who has a lot of work ahead of them. Agrees with having an aggressive timeline. Hops the community will get engaged in this project.
- Jeff Markham – Asked if the name of the volunteer could be identified?
- Nancy Amadeo – It was asked how does the two documents (general plan and Cypress Knolls specific plan) rate side by side but Cypress Knolls is in the Base Reuse Plan area, will this be coordinated with the base reuse plan even if FORA no longer exists?

- b. City Council consider adopting **Resolution No. 2022-129**, receiving a presentation on the location, landscape features, and amenities for the placement of the Martin Luther King sculpture donated to the City by the Paige family; and approving the advertising and call for bids for the execution of the Martin Luther King Sculpture project.

Council Questions: With the lighting, Did you say that some of them that's going to be led and solar was not a possibility? What would be the hue of the lighting? Will it be warm will there be at night dialed down? Will there be more green features? Will recycled water be used? Is it possible to have sheltered benches? Is Ginkgo a local tree? How will you bring this project to life? Were you able to consult with the Marina folks about the landscape palette? What will the landscape look like directly surrounding the memorial area? Why was the original timeline delayed? Has there been any comparative analysis done to compare the use of resources such as watering and fertilizing for 15 years to keep it green and looking nice even though It's going to undergo quite a bit of a foot traffic compared to the environmental cost of replacing a natural turf every 15 years? Has there been a comparative financial contrast made for the 2 options of natural turf versus unnatural turf? Would it be possible, before we make a final decision on natural turf versus artificial turf, if we could have some kind of analysis of environmental impact? How would we keep artificial turf clean? Did your team look through the design guidelines for native species that might be appropriate for this location? Have you seen the Toyon growing down by the amphitheater? How large would the Ginkgo be when installed? How much of a tree fill is there already with those large cypress so close? Do you think that the large trees are existing would afford us in this case the chance to be patient with slower growing natives? If we wanted to grow something quickly, would it be possible to have some slow growing species concurrently with fast growing species, such as the natural willow?

BIALA/MEDINA DIRKSEN: TO APPROVE RESOLUTION NO. 2022-129, RECEIVING A PRESENTATION ON THE LOCATION, LANDSCAPE FEATURES, AND AMENITIES FOR THE PLACEMENT OF THE DR. MARTIN LUTHER KING JR. SCULPTURE DONATED TO THE CITY BY THE PAIGE FAMILY; AND APPROVING THE ADVERTISING AND CALL FOR BIDS FOR THE EXECUTION OF THE DR. MARTIN LUTHER KING JR. SCULPTURE PROJECT; STAFF RECOMMENDATIONS OF A FINANCIAL COMPARISON OF ARTIFICIAL VERSUS NATIONAL TURF; AND STAFF TO RETURN WITH A PLAN FOR NATIVE LANDSCAPING; AND STAFF TO ENSURE THAT BARRINGTON MCCLEAN THE ORIGINAL ARTIST AND THE RESTORATIVE ARTIST GET UPDATES ON GROUNDBREAKING AND RIBBON CUTTING CEREMONY.4-0-1-0
Motion Passes by Roll Call Vote

Public Comments:

- Grace Silva-Santella – Strongly discourage the use of ginkgo because it needs a denser clay soil that we cannot provide and will not get enough water; and strongly urge council to consider Catalina Ironwood. Commented on the proposed garbage enclosures. Concerned about the natural turf and appreciates there will be a cost analysis on it. Hopes Bianca’s company takes a close look at Windy Hill and Vince DiMaggio and see that the struggles that Public Works Department have to deal with in managing and maintaining turf. Assumes a separate water meter will be put in for this project so the library is not covering the cost of watering. Need to give serious consideration to synthetic turf and not natural turf.
- Mrs. Dillon – Spoke about the lighting in the rendering and concerned about the light pollution close to the marshland and the impacts on the nesting birds and other animals, would like better clarification on the lighting. Likes the Ginkgo tree, it’s a pretty tree. Opposes covered seating.
- Nancy Amadeo – Commented on the landscaping and liking the layering of plants. Concerned about the maintenance of whatever plants will be placed in this area and concerned about the turf. Council might consider growing ground cover type of plants that can be walked on.
- Brian McCarthy – Commented on the lighting and the plants. Agrees Council should look at the Catalina Ironwood. Spoke about the Monterey Cypress truly being a native to this area. Advocate of dark sky compliant lighting and the premises of dark sky lighting is that you use only the light you need where you need it and the brightness. Noticed that there is some “up lighting and asked what is the purpose of that lighting this is on park land?”
- Jeff Markham – Wanted to congratulate Miss Konic, on a job well done, beautiful design.

- c. City Council consider adopting **Resolution No. 2022-130**, approve draft revisions to the concessionaire agreement with Chaparral Country Corporation, Inc. of Woodside CA to provide recreational facilities and programs to the public at the Marina Equestrian Center Park; and authorizing the City Manager to execute the revised agreement on behalf of the City subject to final review and approval by the City Attorney.

Council Questions: What will be done to minimize the parking of trailers in terms of living arrangements from occurring? How often will the animal waste be removed from the site? How many fire extinguishers are required per building? Can we require more insurance from the concessionaire due to the asbestos? Is there a risk of transferring asbestos from horse to rider? What kind of requirements are in place if injury occurs? Would the city be made of aware of any catastrophic injuries? What are the procedures? Can we put language in the agreement that states they must report to us within a certain number of hours an accident or injury? Has the city received any funds, a good faith deposit to move this along? Would it seem reasonable if waste removal frequency was at least the same frequency that we currently have there? Will horses be stabled in the concrete buildings on the western boundary of the facility? what benefits they that they'll have for perspective volunteers to comply with the section 2(k) of the concessionaire’s agreement? What is different about this lease That Staff thinks is reasonable for for-profit lessee to be able to afford to pay for the cost to maintain the facility? Is there a language in this agreement that's different than the other concessionaire agreements where we could expect this tenant to be able to afford responsibilities They're given when it comes to repairs and upgrades? There's a 365-day unilateral notice that either city or concessionaire can give before terminating or vacating the site, is there a penalty if the concessioner pulls out due to capital reserves being drained?

10:00pm

Delgado/Berkley: to continue to 10:30 pm. 5-0-0-0 Motion Passes by Roll Call Vote

Council Questions Continued: Do you know how much chaparral concession here has in capital reserve? The language in the concession agreement in terms of the provisions for default and non-compliance are equal to or exceed what the prior concession agreement had, correct? The insurance that the city maintains to ensure against losses from unanticipated events related to a concession agreement that we have in place will covered the city in the event that something would happen that we hadn't planned, correct? Since this agreement really pretends a lot of additional development and an increase in the value of what's on the property, I didn't see any sections related to the security of the facility and is that something that might be needed? Is there any language in the agreement addressing discounts for Marina residents, veterans or other groups that we might deemed important? There's language about inspections, notice or non-notices inspections, what exactly are we inspecting? Do we have any quality parameters or a checklist of what we're inspecting, or what we should be inspecting? Could the city create a general inspection checklist? RPF, did you know that there was a security deposit required? Where did the \$850,000 in CIP funds come from and how long has it been sitting there? And is it, or is it not from the National Park Service as was mentioned by another Council member? Can the NPS funds be used to offset for you know, rides and things like that?

Questions to Chaparral: Can you confirm if you plan on stabling horses in those concrete buildings that some people have told us are not, you know, appropriate for horses around the Western edge of the property? If the concession here wishes to stable horses and those concrete block buildings or stalls, Can we first get a letter from a animal care, facility, if they are safe and humane to keep horses in those concrete block building? What benefits does the Chaparral plan to offer perspective volunteers to comply with that section that has been newly added to our agreement that you shall provide reasonable outreach to try to attract volunteers? Do you plan on providing any free tours or free lessons? What's going to happen with the Star Riders? Do they stay and continue where they are, what's their future? Could you provide access to your premises for voluntary community events when it's not conflictual with your normal operations and with your management approval?

BERKLEY/BURNETT: TO APPROVE RESOLUTION NO. 2022-130, APPROVE DRAFT REVISIONS TO THE CONCESSIONAIRE AGREEMENT WITH CHAPARRAL COUNTRY CORPORATION, INC. OF WOODSIDE CA TO PROVIDE RECREATIONAL FACILITIES AND PROGRAMS TO THE PUBLIC AT THE MARINA EQUESTRIAN CENTER PARK; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE REVISED AGREEMENT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY; AND TO ENSURE THE FOLLOWING LIST IS INCLUDED IN THE AGREEMENT: (MANURE PLAN; FIRE SAFETY PLAN; SECURITY; INSPECTION CHECK LIST; PREFERENTIAL FEE FOR MARINA RESIDENTS; AUDIT REQUIREMENT (ALREADY IN THE AGREEMENT); LETTER FROM VETERINARIAN OR QUALIFIED PERSON ABOUT WHETHER OR NOT THAT'S APPROPRIATE FOR HORSES TO BE IN THE CONCRETE STRUCTURE; PROOF OF CHANGING OVER UTILITIES (ALREADY INCLUDED IN THE AGREEMENT); NO CAMPING; ANY KIND OF HABITABLE STRUCTURES NEED TO BE TO CODE). 3-2(Medina Dirksen, Delgado)-0-0 Motion Passes by Roll Call Vote

10:23pm

Delgado/Berkley: to continue to 11:00pm to finish this item. 5-0-0-0 Motion Passes by Roll Call Vote

Public Comments:

- Denise Turley – Commented on volunteers and long-term boarding. Also commented on the poor reception Brian McMinn is having

- Krystal Giacomelli – Spoke about being the treasurer for the Marina Equestrian Association and provided financial information on what it really costs to run the Marina Equestrian Center, which includes weekly dumpster dumping, monthly utility bills and the monthly rent. Spoke about the dedicated volunteers who provided lesson at a low cost. Asked to let the MEA stay until the new concessionaire comes on board in January.
- Barry Pasquarosa – Spoke about the Christina Marie Star Rider Scholarship program and what it has to offer to people with special needs and the differently abled and the help this program provide for the veterans with PTSD. Wanted Council to be aware that you know there is an organization out there and we do get grants and donations, we basically fulfill our way of helping the public. Please keep us in mind. Keep all the valuable work that's being done to keep going with it.
- Nichole Fisher – Why would volunteers want to volunteer for a for-profit corporation and what is that draw? Spoke about the MEA paying rent for 20-years and asked where those funds have gone to. Are they in the NPS fund? Are they being used on the facility that's going to Chaparral? What fees are going to be charged to members of the public who wish to use the facility in the future? Asked about the city's list of inventory that was due to the MEA by October 15th. Will the grounds still be available to the public once the MEA leaves and until the new concessionaire moves in? Who will maintain that property between now and then? Why is the city now wanting to conduct their own events at this facility, when they never have in the past?
- Jeff Markham – Marina has been given a gift in this Marina Equestrian Center and been fighting about it so much that we're losing fact that we could actually lose the facility if we don't work together. Would like to encourage us to just accept the situation and move on.

Council Member Berkley Called for the Question. 2-3(Medina Dirksen, Biala, Delgado)-0 Call to the Question Fails by Roll Call Vote

Substitute Motion

Medina Dirksen/Delgado: we rescind the eviction, and that it'd be timed with receipt of deposit and other proof of requirements for occupancy.

Mayor Delgado asked for an amendment to: replace the word “Rescind” with the word “Extend” Council Member Medina Dirksen accepted.

Amended Substitute Motion

Medina Dirksen/Delgado: that we Extend the eviction to be timed with receipt of deposit and other proof of requirements for occupancy. 2-3(Burnett, Berkley, Biala)-0-0 Substitute Motion Fails by Roll Call Vote

- d. ~~City Council consider adopting Resolution No. 2022, authorizing staff to work with Bird, Inc. to implement the deployment and authorize the City Manager to execute a Shared Mobility Agreement, an encroachment permit with a fee agreement, and amendments necessary to implement a Shared Mobility Device Services program in Marina. Pulled by member of the public, was agenda 8g(1). Continued to November 1, 2022~~

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 11:13 P.M.

Anita Sharp, Deputy City Clerk

ATTEST:

Kathy Y. Biala, Mayor Pro Tem