



MINUTES

Tuesday, October 1, 2019

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

1. CALL TO ORDER
2. ROLL CALL & ESTABLISHMENT OF QUORUM: (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Successor Agency of the Former Redevelopment Agency Members)

MEMBERS PRESENT: Lisa Berkley, Adam Urrutia, 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, and Redevelopment Agency Members) 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 – initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 – Two potential cases
 - b. Conference with Legal Counsel, anticipated litigation – significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Govt. Code Section 54956.9 – Two potential cases
 - c. Labor Negotiations
 - i. Marina Employee Association

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 where three matters were considered under potential litigation, information was received, direction was given and no reportable action was taken. The Council reserves the right to go back into Closed Session at the conclusion of the Open Session.

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

5. SPECIAL PRESENTATIONS:

a Proclamations

i. Restorative Justice Week, October 6-12, 2019

b Assemblymember Stone – State of the State Presentation

c 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.*

- Julie Hoffman – Many people are concerned about the upcoming November 14th Coastal Commission hearing that will be held up in Halfmoon Bay. Maybe there are people that might consider coming if they knew that there's actually going to be buses available. You can get that information from www.citizens4justwater.org. Also announced that there will be a beach walk on October 12th from 10:00-12:00 to see exactly where this project will be sited with the slant wells.
- Brian McCarthy – Our sole source of drinking water is under an existential threat. CalAm plans to build a massive, oversized desalinization plant with infrastructure on our beach and coastline. This plan will take fresh water in addition to ocean water from our fresh water source we rely on and will not return a single drop of the water for the use Marina residents. In less than 45-days the Coastal Commission will convene in Halfmoon Bay to determine the fate of this project and of Marina's water source. In 2016 the Governor signed an Environmental Justice Bill which amended the Coastal Act and gives the Commission new authority to specifically consider Environmental Justice when making permanent decisions. The Coastal Commission then adopted its own Environmental Justice Policy which states in part: "*staff will also explore alternative matters to solicit public comment and participation such as accepting video tape comments.*" I hope our citizens and elected representatives will reach out to the commission and request that they follow their own policy and allow our residents a voice by having video taped comments. Citizens for Just Water is hosting several informational sessions at the Springhill Suites by Marriott in Marina every Sunday at 6:00PM from now until the November 14th Coastal Commission hearing.
- David Martin, MPC Interim Superintendent President – Invited Council and members of the Marina community to attend our Strategic Planning Open Forum on Thursday, October 3rd at our Marina Educational Center at 5:30 PM. MPC is in the processes of developing our 5-year Strategic Master Plan, which will outline the foundational components of our college through 2025.
- Audra Walton – Speaking today in support of Pure Water Monterey Expansion Project which will meet the peninsula's water demands for the next several decades. Also speaking in opposition to the CalAm experimental slant well desal project that will cause harm to our basin. With respect to Assembly Stone's comments about affordability and sustainability of our basin I think that if we're smart, we'll go ahead with Pure Water Monterey Expansion if the Coastal Commission will deny the permit, that would be awesome. Also, do find Citizens4justwater.org; also, on Facebook and please join us for the beach walks.

- Monika – provided council a story of her family’s journey from Vietnam to here. The struggles, the losses and fear of voicing their concerns.
- Christina Medina-Dirksen – Countless students at my school have been stuck in traffic on Gen. Jim Moore Blvd for the last two weeks. CalAm is doing some water project and not caring about what’s happening and who’s getting to work or school on time. This just demonstrates their disregard for the citizenry here in Monterey County. Their overlooking of our Planning Commission and the will of our people is disgraceful. Urge residents to pay attention to this issue. We have one final chance coming to the California Coastal Commission on November 14th. There will be a caravan of busses going up and hope to bring my children to this because we’ve talking about this and having discussions about a lot of environmental issues lately. If you can’t make it please write a letter to the California Coastal Commission, head to the Just Water website. Please pay attention to this issue because it’s entirely unfair that citizens of Marina are impacted by this corporate greed and we get nothing out of it other than heartache and knowing that our will is being ignored. Thank you all for your support on this matter.
- Margaret-Anne Coppernoll – Here to support Marina and MCWD. CalAm is persistent in its intent to toughen its grip on the aquifers by installing seven more slant wells at the Cemex property to illegally extract water and transport it over to its peninsula customers. There is a viable and much less expensive and environmentally safe water source in the Pure Water Monterey Expansion. CalAm’s project will cost \$1.2 billion over 30-years while Pure Water Monterey will cost \$190 million. Our roads will be torn up to accommodate water transport pipes but most importantly our only water supply source will be devastated without one drop of desal water coming to Marina. Surely CalAm plans to do to our Salinas River what it has done to the Carmel River. We cannot afford to wait for another cease and desist order to stop CalAm. Please join your neighbors and friends this Friday at the Pure Water Monterey ribbon cutting ceremony and appreciation rally and the Charles Benson Road, but even more urgent join us on November 14th to be present at the California Coastal Commission hearing in Halfmoon Bay where CalAm will present its demand for a coastal development permit for its desal plant and additional slant wells. Please do all you can to write to the coastal commission to request Desal Permit Denial at CalAmMonterey@coastal.ca.gov. This is a dedicated email address specifically set up by the commission for this hearing. Commissioners and staff need your input before their staff report is completed.
- Lizbeth – Read rest of the letter addressed to the Coastal Commission that she was not able to read at last year’s Coastal Commission hearing: Happy at the Cemex Plant closure in 2020 so there is no more threat to the Marina coast. Shocked that the slant wells had been built at that location and a large for-profit company is planning to build more wells there. Theory sounds good CalAm will take water from the bay and desalinate it, unfortunately the reality is different. Only part of the water will be taken from the bay and the rest will come from the aquifers below our town. This is the only source of drinking water for Marina residents. There is already saltwater intrusion. Pumping water will cause an increase of the saltwater intrusion jeopardizing Marina’s only water source. CalAm has no right to this water. To make matters worse the water will not be used for Marina residents but for the neighbors of the Monterey Peninsula. You have already received lots of information that shows why building the slant wells isn’t a good idea. You have also received information about a viable alternative Pure Water Monterey and how they will be able to provide enough water for decades to come.
- Steve – CalAm has proven beyond any doubt that they cannot be trusted and told a whole bunch of lies a while back. Their plan is really expensive and please don’t let them destroy the water around here and take all your money because that’s what they want to do.

- Denise Turley – Informed Council that there was no audio being at the beginning of the meeting for on AMP Media, yet again.
- Nancy Amadeo – Marina Youth Arts is hosting Evening of Duets Fundraiser on October 5th from 5:00-8:00pm at Vince DiMaggio Park. Tickets are \$30 in advance and \$35 at the door. All proceeds go towards Marina Youth Arts activities throughout all Marina Schools. All school activities are free.
- Jon Wizard, Seaside resident – Many in Seaside support you and stand with you with your concerns about CalAm. Many of the residents in Seaside are rate payers of MCWD and stand to share the harm with you if CalAm's project moves forward. Seaside is very concerned with the idea that part of our city would benefit from this project while their neighbors would suffer from this project and creating that sort of disparate impact within our own community as sort of a microcosmic disparate impact from Marina and the rest of the peninsula as a whole. We met with some representative from Citizen for Just Water and agreed to send a letter to the Coastal Commission echoing some of their talking points about our concerns with the project and the harms that would come and we would be very happy to offer anymore support that we could from the Council I'm certain that we would be able to have a majority of votes to be partners with you on that.
- Joel Leaker – Announced that on Sunday, October 6th from 10:00am-2:00 pm at the Famers Market will be the Seed & Bulb Exchange.
- David Mack, Marina Senior Planner – Announced that he is leaving the City for another job opportunity and his last day is Thursday, October 10th. Enjoyed working for the City.
- Mike Owen – Attended the Monterey Jazz Festival over the weekend and heard some great music and had some good food but it was costly. To enjoy the same atmosphere for free, attend the Festival of Sound on October 5th starting at 2:00pm at the Epiphany Lutheran Church.

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 93382-93475, totaling \$224,836.63

b. MINUTES:

(1) September 4, 2019 Regular City Council Meeting

(2) September 5, 2019, Special City Council Meeting

c. CLAIMS AGAINST THE CITY:

- (1) City Council approve denial of claim received on September 19, 2019 for property damage for Angelica Aguilar Valencia, date of loss August 24-25, 2019, and forward to Monterey Bay Area Self Insurance Authority for investigation and processing.

d. AWARD OF BID: None

e. CALL FOR BIDS: None

f. ADOPTION OF RESOLUTIONS:

- (1) City Council consider adopting **Resolution No. 2019-98**, declaring growing weeds, rubbish and/or refuse accumulations upon certain specified private property parcels to be public nuisances; authorize notice to abate such nuisances; Set public hearing date of Tuesday, October 15, 2019, to receive objections to abate such weeds, rubbish and/or refuse; Set public hearing for Tuesday, November 5, 2019, 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.
- (2) City Council consider adopting **Resolution No. 2019-99**, authorizing the acceptance of a staffing for Adequate Fire and Emergency Response (SAFER) Grant ID: EMW-2018-FH-00503 in the amount of \$940,955.00 to hire four additional (4) firefighters; and authorize the Finance Director to make necessary accounting and budgetary entries.
- (3) City Council and Corporation Board consider adopting **Resolution No. 2019-100 and Resolution No. 2019-03 (NPC)**, approving the Abrams B Housing Area Budget for FY 2019-20, and; authorizing the Finance Director to make appropriate accounting and budgetary entries.
- (4) City Council and Corporation Board consider adopting **Resolution No. 2019-101 and Resolution No. 2019-03 (PPSC-NPC)**, approving the Preston Park Sustainable Community Non-Profit Corporation Preston Park Housing Area Budget for FY 2019-20, and; authorizing the Finance Director to make appropriate accounting and budgetary entries.
- (5) City Council consider adopting **Resolution No. 2019-102**, authorizing change in signatories on the City General, and Payroll, with Chase JPMorgan and City Local Agency Investment Fund (LAIF) accounts.

g. APPROVAL OF AGREEMENTS

- (1) City Council consider adopting **Resolution No. 2019-103**, authorizing the acceptance of the fiscal year 2018 Assistance to Firefighters (AFG) grant #EMW-2018-FO-04139 to purchase 26 Self-Contained Breathing Apparatus (SCBA) with a spare bottle, and; authorize the Finance Director to make necessary accounting and budgetary entries, and; authorize the City Manager to execute purchase agreement on behalf of the City subject to final review and approval by the City Attorney.

- (2) City Council consider adopting **Resolution No. 2019-104**, authorizing the City Manager to sign an agreement with Emergency Services Consulting International to conduct a Standards of Cover and Deployment Analysis Study subject to final review and approval of the City Attorney; and authorize the Finance Director to make the necessary accounting and budgetary revisions.
 - (3) City Council consider adopting **Resolution No. 2019-105**, approving a concession agreement between the City of Marina and Water City Roller Hockey, Inc; and authorize the Mayor to execute 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) Transportation Agency for Monterey County September 25, 2019 Highlights
 - k. FUNDING & BUDGET MATTERS: None
 - l. APPROVE ORDINANCES (WAIVE SECOND READING): None
 - m. APPROVE APPOINTMENTS: None

DELGADO/URRUTIA: TO APPROVE THE CONSENT AGENDA. 5-0-0-0 Motion Passes**9. PUBLIC HEARINGS:**

- a. City Council consider adopting Resolution No. 2019-, holding a public hearing to receive input from the community regarding the creation of a district-based election system.

Council Questions: did we not get the voter roll for Marina? What do we do to make sure this city isn't getting voter roles when that was direction to staff? Much of what you discussed tonight is according to a concept for four voting districts representing all of Marina, one of those four for each of the council members, how are we considering affecting the mayor's office or not affecting it? Are we on parallel tracks or how does the Mayor's seat fit into all of this?

Public Comments:

- Paula Pelot – Not clear how we're going to parce this up for what is now known as precinct 9, which in includes Sea Haven the Dunes, Preston and Abrams and the five transitional housing. It's still not clear how we're going to count that population because if we don't count that population in doing this districting then that is a huge population that would be underrepresented by one person. You will have a huge population that's not counted, and, in another district, you'll have population that is counted, and you might have twice as many people in that is now precinct 9 area on the former Fort Ord, there is a problem there. Because of the transitional housing we have a large population who are lower income and very concerned about this. Would like to hear more about how we're going to capture that because this is not making sense.
- Brian McCarthy – Appreciated the comments about five versus four districts, it's an important discussion to have now. Thinks that if we're moving towards districts, I think we have said there is a reason we want to do that. It's a representation reason. Thought about not necessarily what I want my representative to represent but what needs the most representation. One thing that came up for me was the coast. As we look at drawing up districts, I think that's something we should

keep in mind. What needs the most representation? Keeps hearing term “language groups” in terms of protected classes and does not understand what the means. Are there a number of different protected classes such as a causation who’s English in not their primary language, are they a member of that protected class? Started working on potential maps to help encourage the public to participate. There are many ways districts could be represented. This is one issue where I don’t think I want my elected official deciding what district look like as much as I want the public to contribute to that process. Thinks it’s one of the few exceptions to that, and really hopes the public gets engaged and appreciates all that you are doing to get the public engaged.

- Nancy Amadeo – We have what is a very rapidly growing city, if this is base on every 10 years, the Census our districts are going to be really unbalanced, so how often is it required that you redistrict your community? Typically, when you hear about redistricting, you’re looking at impacted communities i.e. people of color, language differences, that kind of thing but in this community, that’s scattered throughout the community but what we do have are communities of low-income. So, we have financial districts that are very different from one another and their needs are different and so that’s something that I would expect council to look at when they’re looking at districting. That they will look at the financially impacted communities, which are grouped together but they’re scattered throughout the community.
- Christina Medina-Dirksen – studied this issue in college as part of Chicano-Latin studies so it’s very interesting to see it playing out in our community and seeing the landmark cases being here, Watsonville and Salinas. The staff report gives an overview of the history of who was elected in town and their backgrounds, but it seems that we must do this process. Fearful that it will be kind of counterintuitive to what we’re trying to accomplish here in town because we are a very diverse community. I’m going to watch this very carefully. This it is certainly something the public needs to weigh in on. Is there a safe harbor time? All the timelines are overlapping between 2020, between the Census, between the Mayor so I don’t know if there is any opportunity to show good faith to moving towards this effort? How are we going to capture all of the new growth? Is it going to cost the city money to redraw these lines every so often? Is it a fluid thing that other communities have to readjust at a certain point? Thank you for making a wise decision and hopefully the resident of our community have a say and that we are able to represent them. I think you all do a very fine job and hopes that more people will get involved in the process.
- Grace Silva-Santella – How are you going to get people involved in this? Thankfully there are a few more people in the audience tonight. Lisa spoke last time that you felt this was a campaign finance reform issue and I think Frank mentioned that he felt we needed to be concerned about who was actually voting, not necessarily total numbers of population and I think this is a voter registration issue. I think we have as Christina just mentioned, large populations spread out throughout this community who do not vote, and I feel that they are not going to be represented. So, how do we get those people into this fold before the November date when I’m assuming the crayons are going to be making permanent lines?

Mayor Delgado closed the Public Hearing

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 receiving information regarding FORA blight removal bond and providing direction to city staff regarding the proposed FORA blight removal bond and Successor Entity.

Council Questions: Project Priorities – Where is all the money from the bond going to be generated from? Built into the bond is the ability to pay for administrative costs, correct? Can an amendment process be built into the agreement for reallocation of funds? Can each project area have the authority to amend its money in its project area or does it have to be at that higher level that FORA makes that decision right now in its collective? So, the rule that would be that the FORA Board would state that each jurisdiction could amend their project area? How is enforcement done to ensure that blight removal is being done? What about fairness in distributing the monies? Is the allocation of funds meant to be fair based on something logical, like the source of income or something else? Who has the most blight? Is the cost of building removal (i.e. asbestos) factored in to the decision of the allocation of funds? Would each entity be responsible for their own claims? Was the Dunes Phase II & III blight included in that 50% total for Marina? What happens if FORA contends that its somehow giving a land sales credit, FORA sunsets June 30, 2020, where is the land sale credit? Are Phase II & III excluded from the tax increment? Will somebody else benefit from the tax increment from Phase II & III? Our City Council would have the discretion of what's first to be removed within our jurisdiction after we have our money in the bank? Who will be the successor entity? Can everyone be the successor entity to their own stuff? Do other municipalities do spec bonds? Is it looked on as a riskier practice or a more conservative practice? Did anybody at the Admin Committee meeting consider that when these bonds proceeds come in FORA take the three million dollars off the top for fulfilling its blight removal of the Stockade, then that would reduce that the City of Marina's blight would only be 56%? What are the advantages of being the successor entity? If, in fact you can pay administrative fees for that successor entity function, can we hire a third party to do it for us? Who would be required to carry insurance to perform this function, is it the city or the hired consultant?

9:55PM

Berkley/Delgado: to extend the meeting to 10:15pm 4-1(O'Connell)-0-0

10:10PM

Urrutia/Delgado: to extend meeting to 10:20pm 3-2(O'Connell, Morton)-0

MORTON/DELGADO: DIRECT THE CITY MANAGER TO PUT FORWARD THE POSITION OF THE CITY OF MARINA AT THE FORA ADMINISTRATIVE COMMITTEE THAT THE TOTAL BOND PROCEEDS ARE TO BE ALLOCATED AMONG THE ENTITIES EQUITABLY AND PREMISED UPON THE TOTALITY OF THE COST OF BLIGHT REMOVAL NOW ESTIMATED AT SEVENTY-THREE MILLION DOLLARS (\$73,000,000), AND EACH ENTITY'S PERCENTAGE OF RESPONSIBILITY. MARINA'S RESPONSIBILITY BEING ESTIMATED AT FORTY-FIVE MILLION DOLLARS (\$45,000,000) TO RECEIVE SIXTY-ONE PERCENT (61%) OF THE PROCEEDS, WHICH IS THE RATIO OF MARINA'S COST TO THE TOTAL COST; AND THAT BOND PROCEEDS BE ALLOCATED TO THE CITY OF MARINA AND ALL OTHER ENTITIES WITH CONSIDERATION OF A PROCESS THAT IS FAIR, EQUITABLE, TRANSPARENT AND EVERY JURISDICTION BEING EQUALLY AND PROVIDED SO, MARINA WOULD ASSUME THE RESPONSIBILITY OF SUCCESSOR ENTITY UPON TERMINATION FOR FORA. 5-0-0-0 Motion Passes

Council Member Berkley – asked for an amendment: would like to see if we could get some clarification about the allocation of funds for the stockade and or how the settlement was resolved between Marina Community Partners and FORA, where those funds come from.

Mayor Pro-Tem Morton did not accept Council Member Berkley's amendment.

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 back into Closed Session at 10:20 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor