



MINUTES

Tuesday, November 5, 2019

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

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

MEMBERS PRESENT: Lisa Berkley, 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, 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 – initiation of litigation pursuant to paragraph (4) of subdivision (d) of CA Govt. Code 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 CA Govt. Code Section 54956.9 – three potential cases
 - c. Labor Negotiations
 - i. Marina Employee Association
 - ii. Department Directors
 - a. Community Development Director
 - b. Finance Director
 - c. Fire Chief
 - d. Police Chief
 - e. Public Works Director
 - f. Recreation & Cultural Services Director

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

d. Real Property Negotiations:

- i. Property: Building 535 at 711 Neeson, APN 031-111-035 a portion
Negotiating Party: Daniel Emerson, Light and Motion
Property Negotiator: Eric Frost Finance Director and Layne Long, City Manager
Terms: Price and Terms

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

Robert Rathie, Assistant City Attorney reported out Closed Session, Council met on 5 of the 7 matters listed. Council received information, no reportable action was taken. Council reserves the right to go back into Closed Session at the end of this session to conclude the remaining matters.

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

5. **SPECIAL PRESENTATIONS:**

- a Joby Aero Inc. Presentations
- b Recreation Announcements

6. **SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR:** *Any member of the Public or the City Council may make an announcement of special events or meetings of interest as information to Council and Public. Any member of the public may comment on any matter within the City Council's jurisdiction which is not on the agenda. Please state your name for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda. City Council members or City staff may briefly respond to statements made or questions posed as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of four (4) minutes. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the City Council.*

- Brian McCarthy – Commented on CalAm's request to drill a test well on our shore five-years ago, which was denied by this council. CalAm persisted and was able to drill anyway. For five-years people have spoken out to protect our natural resources including our pristine shoreline and our sole source drinking water. The California Coastal Commission staff has heard our collective cries and release a staff report in opposition to the desal plant. Our community must have a large presence at the Coastal Commission meeting on November 14th to ensure the commission does not vote against their staff's recommendation. Reminded the public that the City is organizing buses and hopes the public will join us at the Coastal Commission meeting on November 14th.
- Margaret-Ann Coppernol – Commended the council and city staff for taking positive action to form a Groundwater Sustainability Agency (GSA) to ensure our water security. Having our own GSA is added insurance that an outside entity cannot take over our water supply resources. The hydrogeologists you employed for this purpose are doing a superb job and understand the sound science found in the Stanford University Aero Electromagnetic Research Study. The long-heated struggle to advert CalAm's takeover of our water is coming to a conclusion on November 14th at the California Coastal Commission meeting in Half Moon Bay. We need a solid show of forces at that meeting even though all coastal commission research and hydrogeologic analysis support denying CalAm's coastal development permits. If at all possible, please try to register to travel on the bus and speak at the meeting of November 14th.

- Unknown speaker, Dunes Resident – Commented about the home she purchased in 2016 from Shae Properties and the lack of insulated water lines as required by State and City Codes. Asked how her home passed inspection with these code violations. Also noted that on her inspection sheet there was not fill-ins for roofing, sewers, no fire, no solar or departmental sign-offs. Now we need to figure out how to rectify them. Has a planned inspection so that she can put her home on the market and wants the inspector to come into the garage and inspect and make sure you can see that those pipes are not insulated and when I get insulated I want some kind of revised sign-off on my final or some other kind of resolution by the city so that I can sell my house as meets code.
- Rebecca Tyson, Principal Marina High – Provided Council and the public with Marina High School updates. Thanked Terry Siegrist and the city as a whole for all the support they have been given. Terry created the Leadership Squad, which meets every other Monday with some of our 9th grade scholars that we are mentoring with volunteers from the community to become true leaders in our community. Announced that there will be a ribbon cutting ceremony for our gymnasium at Marina High School on November 16th at 1:00pm.
- Mike Owen – Run for Fallen Hero's was held on October 19th where over 900 registered individuals/participants attended. Collected lots of t-shirts and informational packets on this event from the previous coordinator Margot Stengel who started this seven years ago, but this was her last year. It was an educational experience and learned a lot more than I would have expected. Commented about Tree Committee holding their first meeting and was disappointed that our new committee member could not vote because he was not sworn in by the Planning Commission.
- Council Member Berkley – Reiterated that if you would like to speak out at the Coastal Commission and give your opinion on the Coastal Commission's staff report recommending denial of CalAm's permit you can register by contacting the city with how many people you would like to get on the bus at bus@cityofmarina.org. The bus ride is free and ADA accessible. Members from Citizen for Just Water will provide sandwiches and water. We will be departing from the Walmart parking lot close to 7-11 at 6:00am on November 14th
- Mayor Pro-Tem Morton – FORA Board Meeting on Friday, November 8th at 2:00pm. in the process of making decision about how FORA will wrap up by June 30, 2020; we're discussion budget, transition agreements and implementation of those agreements. On November 20th FORA will hold a meeting on jurisdiction participation the Habitat Conservation Plan (HCP) and JPA from 9:00am-12:00pm.
- Council Member O'Connell – On December 3rd I will be bring before Council a proposed campaign finance reform ordinance. After working with Attorney Rathie and Attorney Mark Mandell we were able to put together a draft for consideration. If you want to attend and are concerned about the discussion on campaign finance reform for the city, please plan to attend.
- City Manager Long – the HCP meeting Mayor Pro-Tem Morton talked about is at the Community Center in Seaside at 220 Coe Avenue. Wanted people to know about the Coastal Commission hearing on November 14th and that the City will be providing transportation for anyone that wants to attend the hearing up in Half Moon Bay however, the Coastal Commission is holding a live feed here in the Marina City Council Chambers. The hearing will start at 9:00am in Half Moon Bay and it will begin here with a live feed, they'll have the staff report and presentations up at the hearing in Half Moon Bay but will take public comments first here from the City of Marina. So, anyone in Marina we encourage you to come here at 9:00am on November 14th to directly address the Coastal Commissioners on this important subject.

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 93595-93750 totaling \$709,548.49
Accounts Payable Successor Agency Check # 39 & EFT's totaling \$588.13
Wire Transfer from Checking & Payroll for September 2019 totaling: \$559,021.54
 - b. MINUTES:
 - (1) October 8, 2019, Special City Council Meeting
 - (2) October 15, 2019, Regular City Council Meeting
 - (3) October 29, 2019, Special City Council/Groundwater Sustainability Agency Meeting
 - (4) October 29, 2019, Special City Council Meeting
 - c. CLAIMS AGAINST THE CITY: None
 - d. AWARD OF BID: None
 - e. CALL FOR BIDS: None
 - f. ADOPTION OF RESOLUTIONS:
 - (1) ~~City Council consider adopting Resolution No. 2019, approving regular City Council meeting schedule for 2020 Calendar Year. **Pulled by Council Member Berkley, becomes agenda item 11d.**~~
 - (2) ~~City Council consider adopting Resolution No. 2019, approve a General Fund budget amendment of \$274,780 to pay for a Ground Water Sustainability Plan. **Pulled by Mayor Pro-Tem Morton, becomes agenda item 11e.**~~
 - g. APPROVAL OF AGREEMENTS
 - (1) City Council consider adopting **Resolution No. 2019-112**, authorizing examination of transaction and use tax records; approve a replacement agreement to include Measure N Sales Tax audit between City of Marina and Hinderliter, de Llamas & Associates (HdL), a California Corporation for sales tax analysis, related auditing and sales tax reporting services, and; authorize the City Manager to execute agreement subject to review by City Attorney.

- (2) City Council consider adopting **Resolution No. 2019-113**, approving agreement with PM AM, of Dallas, Texas, for use of their False Alarm Management Program processing services, and; authorize Finance Director to make necessary accounting and budgetary entries, and; authorize City Manager to execute the agreement on behalf of City subject to final review by the City Attorney.
 - (3) City Council consider adopting **Resolution No. 2019-114**, approving an Agreement between the City of Marina and Diablo Engineering Group of Oakland, California, for Design Engineering Services for the Del Monte Boulevard Extension and Patton Parkway Connection, and; authorize the Finance Director to make the necessary accounting and budgetary entries, and; authorize the City Manager to execute the agreement on behalf of the City subject to final review and approval by the City Attorney
 - (4) City Council consider adopting **Resolution No. 2019-115**, approving Amendment No. 2 to the agreement between City of Marina and Kimley-Horn and Associates, Inc. of Salinas, California, to provide engineering services for the proposed widening of Imjin Parkway between Reservation Road and Imjin Road, authorize the Finance Director to make the necessary accounting and budgetary entries, and authorize the City Manager to execute the amendment 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) City Council receive Transportation Agency of Monterey County October Board Highlights.
 - (2) City consider receiving Investment Reports for the City of Marina and City of Marina as Successor Agency to the Marina Redevelopment Agency for the quarter ended September 30, 2019.
 - (3) City Council adopting **Resolution No. 2019-116**, receiving and filing the 2020 the adjustment of the mitigation fees for new development.
- k. FUNDING & BUDGET MATTERS: None
- l. APPROVE ORDINANCES (WAIVE SECOND READING):
- (1) City Council waive second reading in full and read by title only and consider adopting **Ordinance 2019-01**, amending Chapter 17.06, General Zoning Regulations, of the Zoning Ordinance to establish a permitting process and appropriate standards for the short-term rental of a whole dwelling unit or portion of the same for a period of 29 consecutive days or less, along with associated regulations to mitigate negative impacts. **4-1(O'Connell)-0-0 Passes by Roll call Vote**
- m. APPROVE APPOINTMENTS:
- (1) City Council consider adopting **Resolution No. 2019-117**, approving Mayor's 2020 recommendation for Mayor Pro Tem and City Council member assignments to various Committees/Commissions/Boards.

Council Member Berkley requested to pull agenda item 8f(1) for review of dates.

Mayor Pro-Tem Morton requested to pull agenda item 8f(2) and had question for 8g(2): Is this applicable to both residential and commercial or is this solely commercial? Do we charge a residential licensing fee?

DELGADO/BERKLEY: TO APPROVE THE CONSENT AGENDA MINUS 8f(1) AND 8f(2). 5-0-0-0 Motion Passes

9. PUBLIC HEARINGS:

- a. City Council open public hearing confirming assessment of \$168.24 costs to be levied against Assessor's Parcel Number (APN) 033-222-005, confirming assessment of \$929.80 costs to be levied against Assessor's Parcel Number (APN) 032-281-003 and confirming assessment of \$5,702.81 costs to be levied against Assessor's Parcel Number (APN) 032-552-010, not in compliance with "notice to abate" and direct the city clerk filing of levy with Monterey County Assessor's office prior to August 1, 2020. ***To be continued to a date uncertain.***
- b. City Council Opening a public hearing, take any testimony from the public concerning Ordinance No. 2019-, amending Title 15 of the Marina Municipal Code to adopt 2019 editions of California Building Standards Code, specifically 2019 California Building Code, 2019 California Mechanical Code, 2019 California Residential Code, 2019 California Green Building Standards Code, 2019 California Existing Building Code, 2019 California Plumbing Code, 2019 California Electrical Code, 2019 California Energy Code, and 2019 California Fire Code, with certain exceptions, modifications and additions required by local climatic, geological or topographical conditions; approving findings to support local modifications; so as to be in effect as of January 1, 2020

Mayor Delgado opened public hearing for comments: None received.

Council Questions: if we adopt this at our next meeting is there anything that prevents us from making amendments to the building code that we adopt in the middle of the three-year cycle? Do you have any examples of any other cities that have taken steps to adopt restriction an require micro-grids for new construction?

No motion needed for this item.

- c. City Council open public hearing and consider adopting **Resolution No. 2019-118**, holding a public hearing to consider draft district boundary maps and receive additional public input.

Council declared that they did not submit any draft maps nor did they assist anyone in making or submitting draft maps.

Council Questions: Can you tell us who submitted the maps, what maps did NDC submit? What was the criteria for Maps 109 and 110 that your agency used? Number in the population? Contiguous and what else? How does maps 109 and 110 differ in application of this criteria? Can we assume that the former Fort Ord area (District 4) is underestimated in people/population in this exercise today? Would it be logical to pick a map that gave the 10% variance to Fort Ord? Which map give District 4 (former Fort Ord) the least amount of people and what is the variance of that map? Are we going to be changing how we do our city financing to correspond with districts as well? On Map110 statistics, specifically District 1 and District 4, would it be possible to reduce the number 4804 population in District 4 and expand the area in District 1 to make the population in that to be 4900? Is there a

restriction on the overall deviation of percentages? Is there any variation or allowance for variance on any of those special ethnic communities? Map109, District 2 and District 3 statistics, District 2 is at 5100+ and District 3 at 4900 and District 1 at 4700 again if you consider the possibility of somehow modifying and increasing District 1's population is a way that the pink section goes into District 2 in some way to increase that and reduce one of the other districts? Can we as a council this evening eliminate some of these maps and restrict them to Maps7-9 and 10 or something? Is this the appropriate time to say which maps you should key onto? Is there any way to determine or to tell how many people in each district vote by mail or at the polls?

Mayor Delgado opened public hearing for comments:

- Mike Owen – Believes Map 109 should be rejected. Was gratified to hear that NDC proposed Maps109 and 110 and was also gratified to hear the NDC representative indicate that. On Map109 Lives in District 3 which is Monterey Bay Estates and if it was someone locally that made this map, assuming that Monterey Bay Estates was continuous with Sea Haven and the Dunes Development would sort of suspect their motives as somehow being devious. If anybody has ever walked around door-to-door canvassing or trying to get votes, you don't walk door-to-door from Monterey Bay Estates into Sea Haven or the Dunes. This makes no sense and practically it's not continuous.
- Brian McCarthy – Nervous about this move towards district-based elections. This intent is a worthy thing but concerned that is going to break Marina apart more than it will bring us together. The demographer mentioned minority and minority majority blocks and confused if that's a good thing or not. Concerned about the discussion of pairing council members. Has concerns about the discussion on protected classes. Protected classes include more than just race. It does include things like language groups which we have no statistics on underrepresented language groups in our city. How we can choose what protected classes we want to take a look at when we draw these maps? Happy to see some maps that touch on the things that I think need representation, 1) the downtown corridor, 2) the coast and 3) the disadvantaged community census block which runs up Reservation Road. Look forward to continuing to view these maps and providing input to the Council.

O'Connell/Delgado: That the council take into consideration and direct that attention be given to maps 104, 109 and 110; and as to:

Map 109, that we look specifically at somehow modifying the population numbers in Precinct 2 and Precinct 3 to take into consideration the growth of the former Fort Ord; and as to:

Map 110 do similar as too modifying the numbers in District 1 and District 4; and as to:

Map 104 look at modifying the numbers as to District 2 and District 4 taking into consideration that the population is higher in the former Fort Ord than it was in 2010.

Public Comment on Motion:

- Mike Owen – Working with one of the candidates running for Supervisor and it's convenient to contact people around in my neighborhood that I've been familiar with for the last 30-years. If you're going to do Map 109, I really need you to acknowledge that District 3 is not actually in practice contiguously with the other section. Very familiar with this area and thinks that if you're trying to get something where there's a neighborhood or a community contiguous, sounds like you want something connected District 3 in Map109 violates it and it make sense because it was done by a guy at NDC somewhere up in Santa Clara.

- Brian McCarthy – Likes several of the maps including 107 specifically because it does break up that disadvantaged community census block a little bit better than some of the others. Noted that in his neighborhood he has three families that only speak Italian and they are a protected class. By law they are supposed to be represented. I've heard no discussion on representing these folks tonight and that bothers me.
- Doug Yount – Has worked with other cities and government agencies that have had both district election and non-district elections. Encouraged council to take as much time as you can, given this situation and be as careful as you can, it will change forever in a community the representation, so you'll want to proceed very carefully. As to getting into the details of "gerrymandering" of something or the concerns that Council mentioned, that if you look at some generalized criteria think about blocks that continue, think about touching Reservation or Del Monte. Think about maybe generalized criteria in addition to what's mandated through the court cases that then are represented in each of the districts versus trying to figure out on a map on line of what's got to here or there. Start with that and once you have your specific maps then you can make a few tweaks. If you stick to those principles or those guidelines, it's much easier.

O'Connell amended motion:

Staff provide DNC with locations of the schools so that you can actually mark them on the maps that you bring back so that Council can consider at that time as to whether or not we want to shift the lines somewhat.

Final Motion

O'CONNELL/DELGADO: THAT THE COUNCIL TAKE INTO CONSIDERATION AND DIRECT THAT ATTENTION BE GIVEN TO MAPS 104, 109 AND 110; AND AS TO:

MAP 109, THAT WE LOOK SPECIFICALLY AT SOMEHOW MODIFYING THE POPULATION NUMBERS IN PRECINCT 2 AND PRECINCT 3 TO TAKE INTO CONSIDERATION THE GROWTH OF THE FORMER FORT ORD; AND AS TO:

MAP 110 DO SIMILAR AS TOO MODIFYING THE NUMBERS IN DISTRICT 1 AND DISTRICT 4; AND AS TO:

MAP 104 LOOK AT MODIFYING THE NUMBERS AS TO DISTRICT 2 AND DISTRICT 4 TAKING INTO CONSIDERATION THAT THE POPULATION IS HIGHER IN THE FORMER FORT ORD THAN IT WAS IN 2010; AND

STAFF PROVIDE DNC WITH LOCATIONS OF THE SCHOOLS SO THAT YOU CAN ACTUALLY MARK THEM ON THE MAPS THAT YOU BRING BACK SO THAT COUNCIL CAN CONSIDER AT THAT TIME AS TO WHETHER OR NOT WE WANT TO SHIFT THE LINES SOMEWHAT. 4-1(Urrutia)-0-0 Motion Passes

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. 2019-119**, receiving a presentation and providing input on the draft Safe Routes to Schools Plan related to community goals, plan recommendations, and pop-up results.

Council Questions: Is there sufficient signage as to speed and speed limits or do you think there was a need to increase signage? Are there sufficient bike racks at the schools for the children riding bikes to school or do we need to increase the bike racks? Olson improvements, was there any consideration of curb extension at the corner of Michael Drive and Beach Road? Could we designate lanes for drop off area at Olson? Did anyone talk about installing speed humps or speed cushions along Beach Road? Marina High School, did you assess the access from the south coming from the Dunes neighborhood, was this identified as a safety hazard? Do you recommend as a TAMC representative that cities go after grants or do recommend cities lobby to represent them on getting the grants? Is the vision to do one school area at a time or do all of the bump-outs on the curbs or is there a sense of priority on that? do grants have to be project specific? How often are grant submittal allowed, quarterly, annually? Is the school district applying for some of these grant funds? Do we combine our grant application with the school district for fund for school and street improvement? Would TAMC also be a partner in that application? Was this considered short-term, medium-term or long-term, is can you let council and staff know at a future date which if these fit into those categories?

URRUTIA/BERKLEY: TO APPROVE RESOLUTION NO. 2019-119, RECEIVING A PRESENTATION AND PROVIDING INPUT ON THE DRAFT SAFE ROUTES TO SCHOOLS PLAN RELATED TO COMMUNITY GOALS, PLAN RECOMMENDATIONS, AND POP-UP RESULTS. 5-0-0-0 Motion Passes

Public Comment:

- Brian McCarthy – Informed the Public Works department about two-months ago that the walk/don't walk sign in front of Burger King was out and it is still out today. Who do we call when the lighted crosswalks that we may or may not install go out? How will we interface with the city to get those lights replaced? Hopes the city will consider purchasing some technological tools in the future that allow city staff to better interface with citizens?

- b. City Council consider and provide direction concerning initiatives to inform and establish guidelines and procedures for public participation in connection with the California Coastal Commission hearing on November 14, 2019, at the Oceano Hotel and Spa in Half Moon Bay, CA and, by remote testimony, at the City Council's Chambers in Marina CA regarding California American Water Company's appeal of the Planning Commission's denial of a Coastal Development Permit.

City Manager Long made aware to the public of the Coastal Commission hearing on Thursday, November 14, 2019 up in Half Moon Bay. For more information on this the public go to our website: www.cityofmarina.org . The Council did approve a bus to assist with transportation for anyone who wishes to attend the hearing. There will also be a live feed here in our Council Chambers where the public can make comments to the Coastal Commission. If you want to speak you must fill out a speaker slip prior to 9:00am.

- c. City Council discussion and possible direction concerning placement on a future Council agenda of ordinance(s) to control rents and/or require just cause for eviction in the City of Marina [Urrutia] *Step One of Two Step Process.*

Council Member Urrutia – On October 8th Governor Newsom signed a law AB1482 California’s Rent Cap Legislation, which caps rents at 5% plus CPI to a maximum of 10% and goes into effect on January 1, 2020. An unintended consequence in passing this law is that landlords have a strong incentive to utilize what’s called a “no-fault or no-cause” eviction before January 1st to remove a tenant from their house who hasn’t done anything wrong like not paying rent, breaking laws or destroying the property so that they can put in a tenant who they believe will pay more rent. Thinks it would be prudent to pass an ordinance that would temporarily prohibit no-fault evictions through the end of the year. Asking Council to agendize at the next possible meeting an ordinance that temporarily prohibits no-fault evictions and get it passed as quickly as possible.

Council Questions: Are you talking about another ordinance following the urgency ordinance or are you planning that this urgency ordinance stay in place with no changes? What would we do if there was a pending court case and the judgement has been issued and the rent goes up? Is there a way to get statistics on how many court cases are happening due to no-fault evictions?

Berkley/ : that the city attorney look into this and do further research so that we can consider it at the next meeting. Motion dies for lack of a second.

Substitute Motion

Urrutia/Delgado: we request the city attorney to come back with an ordinance that prohibits no-fault evictions through December 31, 2019 at the next council.

Substitute Motion #2

MORTON/BERKLEY: TO DIRECT THE CITY ATTORNEY TO DETERMINE IS IT’S LEGAL TO RETROACTIVELY APPLY AN URGENCY ORDINANCE PROHIBITING NO-FAULT EVICTIONS FOR A PERIOD OF 59-DAYS PRIOR TO THE EFFECTIVE DATE OF THE URGENCY ORDINANCE; AND IF SO, TO CRAFT THAT ORDINANCE AND PUT IT ON THE REGULAR MEETING OF DECEMBER 3, 2019. 3-2(O’Connell, Morton)-0 Motion Passes

- d. City Council consider adopting Resolution No. 2019-, approving regular City Council meeting schedule for 2020 Calendar Year. ***Pulled by Council Member Berkley, was agenda item 8f(1) – Continued to November 19, 2019***
- e. City Council consider adopting **Resolution No. 2019-120**, approve a General Fund budget amendment of \$274,780 to pay for a Ground Water Sustainability Plan. ***Pulled by Mayor Pro-Tem Morton, was agenda item 8f(2).***

MORTON/BERKLEY: TO APPROVE RESOLUTION NO. 2019-120, APPROVE A GENERAL FUND BUDGET AMENDMENT OF \$274,780 TO PAY FOR A GROUND WATER SUSTAINABILITY PLAN. 5-0-0-0 Motion Passes

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 10:03pm

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor