



MINUTES

Tuesday, April 30, 2019

5:00 PM Closed Session
6:30 P.M. Open Session

SPECIAL MEETING CITY COUNCIL, AIRPORT COMMISSION, MARINA ABRAMS B NON-PROFIT CORPORATION, PRESTON PARK SUSTAINABLE COMMUNITY NON-PROFIT CORPORATION AND SUCCESSOR AGENCY OF THE FORMER MARINA REDEVELOPMENT 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 – significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9 – two potential cases
 - b. Conference with Legal Counsel-anticipated litigation- initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 – one potential case

Deborah Mall, Assistant City Attorney announced: We are required to give some pre-facts of the two items we're hearing in Closed Session regarding anticipated litigation under subdivision (d) of Section 54956.9 and those matters related to CalAm anticipated litigation against CalAm. The other issue on the Closed Session which is anticipated litigation/initiation of litigation. So, we are going to allow Closed Session comments prior to Closed Session by the public.

Public Comments on Closed Session Item:

- Kathy Biala, Marina resident – Enraged by the Withdrawal of Appeal letter from CalAm she drafted a letter to the Monterey County Herald. CalAm want to steal Marina's groundwater without any rights to do so and then attack Marina's elected and appointed officials as biased against them. They make a public records request to find any communication our city official have had with a citizens group Just Water to thwart any communications with our public officials. They

tried to stifle our elected official from doing their duty by writing hundreds of pages to demand recusal from a vote that will reflect the will of the people who elected them. CalAm is not the victim here, they are the perpetrators of illegal and unethical maneuvers and bullying and intimidation to get their way. Never forget their relentless expensive mailings aimed at Public Water Now, a grassroots all volunteer group on Measure J. CalAm levies attacks against its most vulnerable opponents, we citizens. It will be citizens from Marina and the peninsula who will pay the terrible price in all manners of speaking if this slant well desalinization project is built. Why has this project been allowed to advance to this point? Who benefits from supporting this project? Why are they so afraid of us citizens? Let the truth be known.

- Judy Layman, Monterey resident – We're proud of Marina and the way you're handling this issue. It shows that there is opportunity for all of us residents to stand up to a big power such as CalAm. Disappointed with the fact that they have manipulated the system and are withdrawing their appeal knowing that they're going to be subject to the same concerns that have been raised many times before. However, they should also recognize the fact that this going to open the door to other agencies who they've had the opportunity to contact and influence. We can ask them to have them step aside as well and step down. This is an interesting concept that CalAm themselves has started, we can help to support that in our own advantage or benefit. It's unfair that there's a hardship to the residents by this CalAm monopoly and with all of their paid expenses often times you want to ask when they stand up and talk forever and show you the glossy pictures they have a budget, they get paid, they're reimbursed for their expenses. All of the residents are honestly doing this because our heart is in this. We know what it's going to cost us; and we really want to have control of our water. So, again thank you very much and keep asking yourself why.
- Susan Skiavoni, Seaside resident – Here to support the City of Marina. I too am very proud of you for taking the stand you have and wanted to congratulate you on trying to hang in there in a very difficult situation. The project violates the will of the citizens of Marina. The Cemex Sand Mine was closed to make an outdoor preservation area precisely for Snowy Plover habitat. Siting this project here is a usurpation of Marina's Land Use Plan. CalAm has no water rights and there is scientific evidence that risk or considerable harm to the people of Marina and the aquifer is being ignored. I would like to see CalAm apply the same standards of institutional bias to those who are blindly supporting this project by clear evidence of problems. Are they saying that those who support this project are unbiased? This is extremely faulting and hypocritical logic. It is because they do not want to have hard questions asked about the project. At the least, an honest evaluation of the AEM valid scientific data should be added to this process. As ratepayers we are forced to be accomplices since we have no choice as well as victims since we have to pay for it. There is no need for this expensive project at this time since we can meet the CDO with expansion of Pure Water Monterey. This is simply an unacceptable project as it exists. I strongly stand with the City of Marina and fellow ratepayers in opposing the approval of this project and Marina's request for a re-evaluation. Thank you.
- Walt Bentley, Carmel resident – This is a very environmentally destructive project which has been shown to be that. This is a very sensitive coastal area. My understanding is that the Cemex, where the slant wells.... Expansion of Pure Water Monterey is a much better alternative. A choice significantly much less damaging than those of the CalAm project, using recycled water not groundwater and its construction and operation without recoil of the extensive rain adverse in environmental impacts that desal project would have. We are right in the middle of Measure J and it's really clear that CalAm is using this to increase their purchase points. Our water rates are going to go up. We're already paying the highest rates in the nation and it will double with this project. The recycled water would lengthen half the cost of what CalAm is proposing and it's more environmentally sound and cost effective and sufficient to get the water we need to get off the

Carmel River CDO. Concerned about the future generations and the people that live here now about the quality of life here and the financial cause and I'm here to give you my support.

- Marlene Fischer, Carmel resident – Concerned about Marina's situation and here to support Marina in its efforts. You've got to keep CalAm from invading the aquifer and keep yourselves intact. I support a regional approach, Monterey Bay regional approach to solving water problems particularly when it comes to desal plants. I also support the enlargement of Pure Water Monterey and that will meet our CDO needs if that occurs and the hospitality industries and others will not need to worry about this situation until we can get a regional solution to further water in the area. My fear is that although CalAm is now withdrawing their appeal to Marina to reconsider your denial of their effort to get a permit, that it is because they will now go to the California Coastal Commission and attempt to get them to override what you've done. Keep fighting.
- Elizabeth Billingsley, Marina resident – We elected you folks. Why do they tell you what you can do and what you cannot do? We elected you guys to represent us, not CalAm. I cannot understand it, why they can do that. Please explain that to me. Naturally you're going to fight for the citizens. You're not going to fight for CalAm. You're not going to give them the right to take our water. That's why we elected you folks. I don't believe they have any right to tell you guys that you cannot perform your duties as the citizens want you to do.
- Harvey Biala, Marina resident – Wanted to let Council know of his strong support for you not recusing yourselves in anyway shape or form. Thinks it's very important not to allow these robber barrens to come in and so their raping and pillaging of our beaches. You have my strong support.
- Hans Costrel, Marina resident – We know it only makes sense to go ahead and pursue the more cost effective and least damaging options which is why Pure Water Monterey makes more sense. We would certainly like to express our thanks to the members of the peninsula for being here but also for their efforts for reducing their water uses for which they were penalized. It actually has made things much more possible for us to perceive with Pure Water Monterey. We will continue to go a head and fight this matter all the way to the Coastal Commission. I'm preparing my maps for Oxnard and San Diego if necessary. I would just like to thank the Council for all that they have done and certainly to the Planning Commission for their work in carefully examining this project.
- Mazalt Cheyanne, Marina resident – Why does CalAm have to choose Marina from our peninsula for water to give to their ratepayers that they are not happy with? What is the guarantee that Marina water rates will not go higher? Requested that all authorities deny this appeal and hopes that CalAm will leave us and not use our groundwater and what they call the desalination plant.

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

Deborah Mall, Assistant City Attorney reported out Closed Session: We went into Closed Session at 5:00 PM and left Closed Session at about 6:20 PM. There were three matter heard. The first was Conference with Legal Counsel-anticipated litigation, there was no reportable action taken. The second was Conference with Legal Counsel-anticipated litigation, no reportable action was taken. The third was Conference with Legal Counsel-anticipated litigation-initiation of litigation, no reportable action was taken

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

5. PUBLIC HEARINGS:

- a. City Council to open a public hearing, take any testimony from the public, and consider a Resolution of the City Council of the City of Marina to: 1) deny an appeal filed to the march 7, 2019 planning commission’s decision to deny a coastal development permit, CDP 2018-01, for the components of the proposed “Monterey Peninsula Water Supply Project” (MPWSP) and 2) deny the a Coastal Development Permit, CDP 2018-01, for the components of the proposed “Monterey Peninsula Water Supply Project” (MPWSP): 1) proposed slant wells and related infrastructure, including intake wells, surge tanks and a source water pipeline; and 2) transmission pipeline improvements, located within the city’s coastal zone on Cemex Lapis Plant property located at 100 Lapis Road (APN: 203-011-019-000).

Deborah Mall, Assistant City Attorney – We received a letter from CalAm last night after 4:00pm and they indicated that they wish to withdraw their appeal and due to the lateness of this the recommendation was made that the City Council continue this to a date certain so that staff can better explore the allegations raised in this letter.

MORTON/URRUTIA: THAT WE CONTINUES THIS MATTER TO THE DATE CERTAIN OF MONDAY, MAY 6, 2019 AT 6:00PM IN MARINA CITY COUNCIL CHAMBERS. 5-0-0-0

Motion Passes

Public Comment

- Paula Pelot – Thanked Council for continuing the matter
- Thom Moore, MCWD – Supports the motion. The legal stunt on the part of CalAm at the very last minute yesterday obviously needs some time for all parties from the city and even Marina Coast and legal representatives to give some careful thought to the ramifications of the letter. I would urge a yes vote on it.
- Kathy Biala – Concurs with the need for continuing this to a later date and gathering more information. Wanted to say thank you to all the people in the audience who have come out today wanting to express some of their perspectives on the CalAm project.
- David Burnett – As one of the named parties in this letter I urge you to continue this item. I hope that the City, after you take public comment because there is going to be some discussion of what the next steps are going to be by the city leaders about what actions we possibly could take or any kind of discussion of this in anyway?
- Peter Mounter, PG Chamber of Commerce – In light of the withdrawal I would just encourage the council not to act this evening.

6. ADJOURNMENT: The meeting adjourned at 6:45 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor