

CITY OF DEL REY OAKS CITY COUNCIL REGULAR MEETING CONVENED AT 6:00 P.M. ON TUESDAY, JUNE 23, 2020 VIA ZOOM ON LINE MEETING

Present: Council Member Goetzelt, Council Member Gaglioti, Council Member Lintell (6:01) Vice Mayor Clark and Mayor Kerr

Absent: None

Also present: City Attorney Lorca, City Manager Pick, Chief Hoyne, Deputy City Clerk Minami and Deputy City Treasurer Carvalho

Meeting came to order at 6:00 pm and roll call was taken.

PUBLIC COMMENT:

Katie Kreeger: Read statement from resident **Alana Myles** of the MPUSD and the Chair of Community Human Services. Asking for support with funds approved by the City Council for Casa De Nocha Buena in a partnership with Community Human Services to help homeless woman's shelter. The two agencies can't do it alone and they are requesting help. Thank you for your support.

Scott Donaldson: Good news, the Safeway gift card give away was very successful and the DROCAG received over \$3,300 in donations too! Citizens Actions Group was able to purchase an additional 67 gift cards from the donations it received. The cards will be distributed at Safeway Customer Service on a weekly basis during a two-hour timeframe. More details to follow.

Mary Solseng: Development topic is too big to cover in three minutes and sent an email out to the City Manager and Staff. On the 3-year

goals, the City Manager states that during the August 25th meeting he will be presenting an Exclusive Negotiating Agreement for the former Fort Ord property with developers for City Council consideration. That is just backwards! If the developer pays the cost of public meetings, then it will be the developers plan. We should earmark the \$65,000.00 for the cost of public input and planning.

Dennis Allion: Wanted to speak to Mary but she left. There will not be pre-determined conditions. The City Council will not allow anything with out a lot of public input and meetings. That will never happen.

Irene Barlich: Spoke with Karen, and within an hour she heard from City Manager Pick about the noise of the ATT building behind her house. Then later that day someone from ATT called her. Thanks staff.

Mayor Kerr reads the Proclamations.

PROCLAMATIONS:

- A. Racial Equity- Mayor Kerr reads**
- B. Pride Month– Mayor Kerr reads**

NEW BUSINESS:

CONSENT AGENDA:

A. MINUTES

1. May 26, 2020, Regular City Council Meeting
2. June 2, 2020, Special City Council Meeting
3. May 13, 2020, Regular Planning Commission Meeting

B. REPORTS

1. Claims Report, May 2020
2. Unpaid Bills Detail, All
3. Financials May 2020 and May 2019
4. Fire Department Response Report, May 2020
5. Police Activity Report, May 2020

C. MISCELLANEOUS:

1. Updated Strategic Planning Grid
2. Election Resolution 2020-14
3. FORTAG Master Agreement Revisions

Mayor Kerr: Pulls items A.1. and A.2. On A.1., Page 4 typo on sentence regarding Dr. Moreno being methodical, not mythical. On A.2. from the special meeting she looked at video and after Council Member Gaglioti says the Mayor can't poll the Council, City Attorney states "not a formal polling by the Mayor".

***Motion to approve consent agenda with the change to the minutes from last two City Council Meetings by Council Member Gaglioti
Second by Mayor Kerr***

MOTION PASSED UNANIMOUSLY VIA ROLL CALL VOTE

OLD BUSINESS:

- A. Consider Second Reading of Ordinance 302, Modifying Chapter 17.59 of the Del Rey Oaks Municipal Code Relating to Signs as Recommended by the Planning Commission**

Mayor Kerr: The motion last meeting was confusing, and staff corrected her. The sign subcommittee will have one more meeting. Called Green Waste to verify that her election signs are in fact recyclable.

Scott Donaldson: Proud of the Planning Commission for putting in so much effort, personal hours and devoted 2 meetings to listen to public concerns. Would have preferred that the City Council make recommendations and it would have gone back to Planning Commission. More notice for

a transparent meeting of the subcommittee.

Mike Hayworth: The Planning Commission took into consideration all of the public input that they received during the meetings. Should have come back to Planning Commission, it's being taken lightly.

Dennis Allion: Any modifications to this version, will go to Planning Commission.

Gary Kreeger: Scott has a good point. From now on the meetings will be notice by Karen, the first two were not noticed, but it will be now. More opinions, the better.

George Jaksha: Totally agrees with Scott. The Planning Commission could have resolve all of this.

Council Member Gaglioti: Nobody is discounting the work that was done by the Planning Commission. The option that is up for review is the product of the work of the Planning Commission. It's all a matter of timing, wanted something to be in place before the election season. The public input is in the revision.

Mayor Kerr: Does it go back to Planning Commission?

City Attorney Lorca: Not sure would have to look into the Municipal Code, but it is the discretion of the Council.

Council Member Gaglioti: Planning Commission comes up with the ordinances and the City Council is the approving body.

***Motion to approve item 5.A. Ordinance 302, Modifying Chapter 17.59 of the Municipal Code relating to signs as Recommended by the Planning Commission by Council Member Goetzelt
Second by Vice Mayor Clark***

MOTION PASSED UNANIMOUSLY VIA ROLL CALL VOTE

B. Consider the General Plan Annual Progress Report

Mayor Kerr: Thanks Denise Duffy and Associates and the Planning Commission for all of the hard work.

NO PUBLIC COMMENT

***Motion to approve item 5.B. General Plan Annual Progress Report by Council Member Goetzelt
Second by Council Member Gaglioti***

MOTION PASSED UNANIMOUSLY VIA ROLL CALL VOTE

NEW BUSINESS:

A. Consider the 2020-2022 Municipal Budget

City Manager Pick: All of the work was done during the Shelter in Place. The budget committee of Mayor Kerr, Council Member Goetzelt, Dennis Allion and staff. Staff spent many hours on these numbers and staff is confident in them. Staff took austerity measures in the last few months. The budget is presented in 3 primary parts: General Fund, Restricted Funds and FORA Funding Allocations. The FORA funds include General and Restricted funds and are presented separately to allow a more accurate comparison of the proposed budget to the current year. Ending fund balance is \$665,309. Of that balance, \$310,000 is restricted for capital improvements that were not done in the current fiscal year because of pandemic and will be transferred to FY 2020-21 to complete. \$174,000 is allocated to pay back LAIF. This brings the Economic Uncertainty Reserve from \$1,359,567 to \$1,533,567. Leaves an estimated surplus of \$181,309. Staff recommends the disposition of these funds await completion of the City's annual financial audit.

The Proposed 2020-21 budget has a 17% decrease in revenue and a 21% decrease in expenses while the proposed 2021-22 budget has a 4% increase in revenue and a 1% decrease in expenses. The primary planning assumption for the two-year period is that the pandemic induced recession will continue into at least the first half of FY20-21, with revenues increasing a little in FY21-22. Staff is proud to present a balanced budget with an anticipated surplus. Staff will be tracking transfers carefully this year.

The proposed appropriation of \$3,945,534 reflects a decrease of \$1,037,676 (21%) under the current appropriation. To include, the decrease of \$552,900 in FORA loan payments because the City retired the debt in FY 19-20, the decrease of \$214,495 in Salary and Benefits with workers compensation premiums decreasing due to lack of workplace injuries, freezing of one vacant full-time police officer position, and no COLA or pay increases for staff, the decrease of \$104,250 in Outside Services due to reductions in contractual services for consultants and much of this work has been reassigned to city staff, the decrease of \$310,000 in Capital Improvements since the \$330,000 budgeted for projects in 2019-20 will be carried over to FY 20-21. The PD will be utilizing the reserve program and everyone is present for duty at this time.

FORA will be sunseting on June 30, 2020 and funds that had been set aside for projects within Del Rey Oaks have been transferred to the City for specific uses. To include, intersection improvements of General Jim Moore and South Boundary Road that will cost \$1,056,168, South Boundary Road construction cost is \$7,268,813, the South Boundary Road Contracts will be \$518,564 and the Joint Community Facilities District Agreement for Habitat is \$748,071. Staff recommends no increases in the fee schedule and made recommendations for the memberships as well. Not as large of surplus as in the past but it's the best job for what we know now, and nothing spent from Economic Uncertainty Reserve.

This work product is 100% Kim Carvalho, she has owned it and so proud of her for the tremendous growth in the last year. Great temperament! She seems like a different person in the last year. Very professional.

Council Member Gaglioti: Very impressed with this budget, thank you staff and Dino.

Council Member Goetzelt: Not much bang for the buck with Monterey Bay Economic Partnership.

City Manager Pick: MBEP offers networking opportunities for staff. We benefit from staff work that they do on best practices for land use policies and housing programs.

Council Member Lintell: Thanks the budget committee and what would we do without Kim?

Vice Mayor Clark: This is clear, concise and detailed product. Thanks the staff for not taking raises and working as a team. Thanks Dino for the wonderful leadership.

PUBLIC COMMENT:

Ken Rutherford: Wants the amendment issue noticed. Thanks staff for the work. Wants to make sure that the citizens know that the City still has a 1.2 million debt caused by the developers' lawsuit and it should be included in the budget somewhere. Mr. LaPier called Dino to help Airport staff with a reduction in costs. The Airport isn't hurting for funds. They received 12 million in CARES Act money and have received 11 million in grants. If staff attended the Airport meetings, they would know. Be careful passing this part of the budget. They are not a friendly neighbor. Look at the contract and follow it. Do true up in October, if we owe it, then we pay for it. The \$149,000 would cover the cost of a capital improvement or staff increases.

Dennis Allion: Thanks Dino and staff. The residents voted and approved the sales tax and that is helping and so are the cannabis business taxes. Extraordinary circumstances as a City. People should remember that the lawsuit debt is just a balance sheet issue. MBEP benefit doesn't line up with amount we pay, should be \$500. Really great job on budget.

Frederica Jones: Concurs with Ken. Are true up provisions still in effect? Are the airport services reduced? Why are we subsidizing the Airport? Questions the year to date vs. current amount in Council stipend. Why is the line item 61165 a separate line? Isn't admin time not counted against sick time?

City Manager Pick: The line 61165 is a separate line so everyone can see. It is for City Manager admin time and auto expense, that is included in the contract. The contract will be put on the website. Council stipend is different this year because Mayor Kerr defers her salary. Unprecedented time now and haven't looked at the Airport budget. We looked at the Cities budget and 50/50 cost share. Kudo's to Chief Hoyne for saving \$242,000 in the coming year in all line items. That is a savings to the CITY. The budget committee concurred these numbers. It's contractual issue, the true up is the forcing function. It will force us to pay them or they pay us.

Chief Hoyne: Started on this process weeks before the pandemic. Impetus was not for the Airports benefit; it is for the City. Split the cost 50/50. When costs go up, then that is split as well during the true-up. That's when we figure out what agency gets the true up. Never thought as Chief he would be questioned about saving the City money.

Dennis Allion: Wonderful spot to be in, remember what it was like in 2003!

Irene Barlich: Why doesn't the amount match on member dues and contribution schedules? What about the line item, Contractual P.M.? What service was provided?

City Manager Pick: Project Management by Kendall Flint, approved mid year, with staff handling so much of it during the sunset of FORA, the amount is lower than expected.

Deputy City Treasurer Carvalho: Will investigate the dues and contributions line and get back to Council.

Council Member Goetzelt: Thanks staff. Beautiful piece of work, a lot of hard work, insight and knowledge.

Mayor Kerr: Thanks everyone. Especially hard during the uncertainty of the pandemic chaos. Neighboring cities are struggling. And we have sound and cautious options. Things will change again, because of November presidential election. The budget document is easy to read with the separated items. Healthy reserve. Thanks Dino, Kim, Karen, Chief and Roberto. Also the budget committee. Concerned about the clause in the Airport contract regarding City Manager and Airport Director can make amendments to the methodology. Would have preferred to have before but it is in the contract and it needs to be in writing. Chief would have more flexibility. If we don't have to pay it back, it just rolls over. Dug into the Airport contract and it isn't written with a decrease in mind. Discussed with Dino, Jeff and other Council. Clause for when the cost is less than anticipated, City doesn't have to pay it back, it rolls over to next year. The Airport has the full amount in their budget, prefers to have it roll over until next year. Robust budgets, impressive work.

City Manager Pick: Before a motion is made wants to highlight staffs work. This work product is 100% Kim Carvalho, she has owned it and so proud of her for the tremendous growth in the last year. Great temperament, answering questions that weren't always easy. She is very professional.

Mayor Kerr: Agrees with Dino. Especially hard with new accounting software, budgets are getting better every year.

Council Member Gaglioti: Appreciates the Chief of Police description about the item and is confident in the staff recommendations.

***Motion to approve Item 6.A. 2020-2022 Municipal Budget and to authorize City Manager to draft a one-page amendment to the Airport contract by Council Member Gaglioti
Second by Vice Mayor Clark***

MOTION PASSED UNANIMOUSLY VIA ROLL CALL VOTE

Mayor Kerr: When will we see amendment, what date?

City Manager Pick: If authorized to do a short memo with the numbers in this budget, will do so. If the Council wishes to return back of approval at a special meeting or August meeting.

City Attorney Lorca: Up to Council if they authorize City Manager to do the amendment and run with it. Depends on Airport review, it would only be a few days.

B. Consider the Monterey County Emergency Communications Agreement

Chief Hoyne: The agreement is the same as the last 20 years, no huge changes. Needed new signatures from executives.

Council Member Gaglioti: Great contract.

NO PUBLIC COMMENT

***Motion to approve Item 6.B. Monterey County Emergency Communications Agreement by Council Member Goetzelt
Second by Council Member Lintell***

MOTION PASSED UNANIMOUSLY VIA ROLL CALL VOTE

C. Consider an Agreement with TAMC for the RSTP funding

City Manager Pick: Explains the funding, no downside to approving.

Council Member Gaglioti: Any obligation routing FORAG?

City Manager Pick: No

Mayor Kerr: How is it used?

City Manager Pick: Generally, for road projects and agreement makes us more competitive for grants.

NO PUBLIC COMMENT

***Motion to approve Item 6.C. Agreement with TAMC for RSTP funding by Council Member Lintell
Second by Council Member Gaglioti***

MOTION PASSED UNANIMOUSLY VIA ROLL CALL VOTE

D. Consider an Agreement for RMS equipment for Police Department

Chief Hoyne: RMS stands for Records Management System. The system they use now is 22 years old, is generic and not made for California. A good system is the backbone of a department. This is a robust system with crime incidents that are shared in 179 Police Departments in California. It allows for shared data to help solve crimes. This is just another example of shared costs with the Airport, the City saves money.

Council Member Goetzelt: Very important for the department, it's a vital function in law enforcement and it saves manpower.

Council Member Lintell: We need to help the Police Department perform their duties.

Vice Mayor Clark: In full support of this, just another example of shared costs.

Mayor Kerr: Further transparency to public is huge. Who does the server services? What about training?

Chief Hoyne: Soft ware will be Dell lease and server will be our I.T. person and all of the training is included.

Mayor Kerr: 5-year lease, who owns it after it's paid off?

Chief Hoyne: The City will own the rights to the software.

Council Member Goetzelt: Airport goes under the PD administrative expense?

City Manager Pick: No, overall costs for Police Department. PD administrative is other staff (Karen and Kim) costs to deal with the PD.

Council Member Goetzelt: How is it backed up?

Chief Hoyne: Doesn't know for sure, Commander Bourquin and I.T. will work on that part. It will meet the Federal requirements for backing up.

NO PUBLIC COMMENT

***Motion to approve Item 6.D. Agreement for RMS equipment for Police Department by Vice Mayor Clark
Second by Council Member Lintell***

MOTION PASSED UNANIMOUSLY VIA ROLL CALL VOTE

STAFF REPORTS:

City Manage Pick: The City Managers and the County CAO continue to meet regularly regarding the COVID-19 pandemic. The City is coordinating closely with surrounding jurisdictions as we work together to protect the population, especially our most vulnerable while opening businesses and facilities. All City businesses are open and operating under public health guidelines. Tennis courts are open for singles play and our park is open for people to enjoy open space, our dog park, team sports facilities, and Old Town Hall are still closed. The County's most recent guidance regarding social circles will require individual discipline as it will be virtually impossible to enforce. So many people we see are doing the right thing. Please continue to follow public health orders as we progress through the pandemic period. I want to thank our Police Department, especially our Chief, for the progress made over the past several years to improve our department and its capabilities to provide community policing to our City. I want to thank our community for being thoughtful in this challenging time where righteous anger and frustration regarding the murder of George Floyd and others has driven a call for introspection and change. Chief and I participated in a silent vigil that showed the deep passion that exists in our community to continue improving our understanding of one another and to promote equality and justice for all. I want to thank those who have participated in our conversations with Chief and his officers about policing, including our Mayor and other Council members and planning Commissioners. As a City staff we are committed to improving. It is why we are implementing a program for all staff to help us better understand our biases and prejudices and effectively modify our behavior. The program is in

use by the City of Salinas and I will lead the effort here at the staff level to ensure it has the appropriate level of support.

The City successfully defended a suit brought by LandWatch of Monterey County against its recently adopted Housing Element and environmental analysis. LandWatch withdrew the lawsuit, but not before costing the City significant staff effort defending against a lawsuit and in spite of the City's attempts to accommodate LandWatch's concerns prior to adoption. After attempting to negotiate with the California Native Plant Society in good faith for nine months regarding the path forward with the South Boundary Road project, and being essentially ignored, CNPS and Molly Erickson are suing the City, FORA and LAFCO. The City continues to desire a resolution that is agreeable to both the City and CNPS, but that negotiation is now happening under needless litigation by Molly Erickson, costing both the City and CNPS staff and attorney time. That will be discussed the matter with Council in closed session.

We have been working to put in place the agreements Council has approved with FORA and MCWD. Staff have executed the Joint Community Facilities Agreement, which will allow the transfer of habitat management funds to the City. We have executed the agreement for water services with MCWD. We have executed the Memorandum of Agreement with FORA regarding the transfer of the South Boundary Road project, the Whitson Engineers contract transfer from FORA to the City, and the two escrow accounts for the General Jim Moore intersection and SBR have been opened. All documents and agreements are executed to allow FORA to transfer roughly \$9.5 million dollars to the City for use on South Boundary Road and habitat management. Staff is back in the office, feels great. Will be taking appointments in the coming weeks.

CalTrans is scheduled to trim vegetation along 218 this Wednesday. PG&E has trimmed trees and brush in their easement between DRO and Seaside. Ron removed a graffiti tag on the easement from Carlton to Plumas. We are responding to various complaints about fireworks. The PD says they appear to be happening in Seaside, though they obviously effect our residents.

I held several Coffees with the CM with Chief joining on one and Sergeant Perez joining on another as we continue to engage the public.

Planning Commission met Wednesday and approved a CUP to place an owl box in the butterfly garden near the tennis courts, and two home renovations. Mr. Mori's CUP was continued as he had not set story poling to clarify for Commissioners and the public what his expansion entailed. The item will be heard at the next meeting.

As an aside, I was tested for COVID-19 at MPC upon my return from a trip to assist family. The test takes 30 seconds and is not painful in the least, just a tickle as the swab goes in and comes out. My results were negative.

Staff received initial approval for a LEAP planning grant of \$65,000. The Regional Parks District met and approved the FORTAG master agreement, which is an important milestone allowing

the project to continue. The garage sale will be postponed to a future date.

Dennis Allion: Waste Management budget not as healthy as Del Rey Oaks. Their budget took a 15-20% decrease. Can't break the bond covenant agreement. They had cuts to personnel and operations. Went from 144 to 116 staff members. Offered early retirement to some. Volunteer wage cuts by managers. The Last Chance Mercantile is only temporarily closed. The landfill is still open. Now the homeless don't have anywhere to redeem cans, it was a tough decision. Del Rey Oaks is very fortunate. Lay offs wouldn't be necessary if union's would have frozen C.O.L.A.'s. Early retirement is a double edge sword. Tipping fees are the primary source of income, on July 1st will increase to 5%. This means nothing to DRO until next year.

Council Member Gaglioti: Monterey One special budget meeting was 4 hours long. There is a 20% default rate on customer payments. Could be 5 million in the hole in the cash reserve. The system is 35 years old and breaks down very often. Some wage cuts, but lay offs were avoided because the labor union accepted C.O.L.A. freeze. Recycled water meeting. Estimated 11 million to drill another well to get 35 acre feet. 22 acre feet if we do nothing, \$4,000.00 per acre foot. Grant could off set the cost of the well. No other option. It was a great meeting, if people are honest, it's helpful.

Water Master meeting. SEIR older model than they used. Basin as been quiet until now. Real impact to the basin. FORA, great news that DRO has all of the agreements signed and getting the money, it's what he and Dino have been working on the last year. T.P.I.A. is the last item, even though Seaside and Marina doesn't want it, but DRO should have it. One more bite at the apple, hopefully it gets approved.

Council Member Goetzelt: Submitted written report in packet.

Council Member Lintell: Community Human Services: attended the Nominating Committee for board officers for the coming year. Nominated the existing officers as follows: Alana Myles (resident of DRO) Chair, Monterey Peninsula Unified School District, Vice Chair Kyle Samuels, North County and Finance, Annette Steck, Carmel Unified School District. Also attended the CHS Board meeting approved the Operating Budget for FY 2020-21. The CEO, Robin McCrae announced the Virtual Groundbreaking ceremony for Casa de Noche Buena. It is planned to be open by November of this year. She also announced that CHS will be participating in the 100-Day Challenge. This is a growing national movement to prevent and end youth homelessness in America. CHS will be working together with other organizations to collaborate, innovate and execute a coordinated community response to end youth homelessness. This is an unfunded initiative, however, participation in this will position our community for a Homeless Youth Demonstration Project (HYPD) grant, which could bring in over \$1M for homeless youth. This has been a good "fund raising" year for CHS but next year is expected to be difficult.

Attended CHS modified Strategic Planning where the successes and challenges for the past year were presented by the Management Staff. Then, the same was given by Board members. One of the greatest successes was Casa de Noche Buena and challenges is financial uncertainty.

Seaside Sanitation: Approved the Proposed the Annual Operating budget for the year 2020-2021. Also

approved the first reading of the Introduction of an ordinance amending SS code Chapter 4.15 – permits and inspections to amend the connection capacity fees.

Vice Mayor Clark: Monterey Salinas Transit received and adopted budget. The money from the CARES act is helping them greatly. Must keep the busses going. MST relies on grants.

Mayor Kerr: Extremely busy! Thanks to Chief Hoyne for being pro active and making himself accessible to the public. Will be asking for community input during her meetings. Held 2 subcommittee meetings, lots of work and now its slowed down. The Vice Mayor and I worked on the City Manager’s evaluation process. A lot of meetings with Mayors, Supervisors and executives throughout the county regarding COVID 19 and budget. Voted to disband the Mayor’s Water Authority JPA. Having “campfires” every other week. Held an Arts/Culture meeting, show might be in January or February 2021. Fun dropping in on ZOOM meetings: FORTAG, TAMC and Parks District, Monterey One Water Board. Watched the Beacon New York, to see how they did a meeting. Participated in a drive by graduation celebration, is part of the neighborhood book club, participated in the silent vigil organized by Daniella, walked in 2 Black Lives Matter rallies and for Juneteenth.

Mayor Kerr announced the item to be heard on closed session and opened public comment.

CLOSED SESSION: As permitted by Government Code Section 54956 et. seq. the Council may adjourn to a Closed Session to consider specific matters dealing with certain litigation, personnel, or labor/real property negotiations.

MEETING TO BE HELD VIRTUALLY ONLY PER GOVERNOR NEWSOM'S EXECUTIVE ORDERS N-29-20 AND N-33-20 REGARDING COVID-19 PROTOCOLS: The Council alone will participate in the Closed Session portion of the meeting via invitation. They will return to the open zoom link meeting listed above upon adjourning from closed session.

A. Public Comment on Closed Session Items: Anyone wishing to address the City Council on an item to be discussed in closed session may do so now. There will be a time limit of not more than three minutes for each speaker. No action will be taken on matters brought up under this public comment period.

B. Closed Session Items:

- 1) Conference with Legal Counsel – Existing Litigation (Gov’t Code § 54956.9(a)) *Robert Austin vs. City of Del Rey Oaks et al.* (Monterey County Superior Court Case No. 20CV001323.)
- 2) Conference with Legal Counsel - Existing Litigation (Gov’t Code § 54956.9(a)) *California Native Plant Society v. Fort Ord Reuse Authority et. al.* (Monterey County Superior Court Case No. 20CV001529.)
- 3) Public Employee Performance Evaluation (Gov’t Code §54957)
Title: City Manager
- 4) Conference with Labor Negotiators (Gov’t Code § 54957.6) Agency Designated Representatives: Mayor Alison Kerr and Vice-Mayor Kristin Clark. Unrepresented Employee: Dino Pick, City Manager

Nikki Nedeff: Past president of California Native Plant Society. Hopes that Council read her email sent earlier in the day. The City will live with the decision forever. Has maps to show that the size and location of the corner of SBR and GJM with boundaries of the land that is for CNPS. Records that go back 20 years of agreements. DRO has a contract with FORA, minimum of 2 acres. Origin of conflict is the because of the construction of SBR. CEQA mitigation was specified. 2017 & 2018 request from FORA being ignored. Now the City doesn't have to follow FORA's plan. CNPS wants Council to consider moving road to the northside, might even cost less.

Alice Green: Memory supports CNPS conclusions and finds it appalling that this is happening!

Katie Kreeger: Speaking for **Patrice Vecchione**, wants to have a commitment that this parcel is protected in perpetuity!

Kim Shirley: Nikki got in touch with her. CNPS is looking to preserve the lot. Surprised that DRO isn't owning up to an agreement. Ethically it's important. Wants Council to look into the northern alignment.

Ken Rutherford: We need to honor these agreements with CNPS. Are you willing to go into litigation? That decision will follow city forever. We should expand that habitat, and do what is ethical.

Gary Kreeger: Understands litigation has to be in closed session but answers need to be made public, needs information to be clarified.

Karen Harris: In support of CNPS and wants to protect the land for them. It's been 20 years and we don't have to have the road running through it.

Dennis Allion: Would have liked to see this letter that only a select few got to see. Remembers the "Barlich curve" and hopes everyone will come to a conclusion to keep it a preserve.

Nikki Nedeff: It was public record, why can't it be shared?

City Manager Pick: All of the documents from the packet and emails received will be online and shared with public.

9:30p.m.: Adjourned to closed session

NO FURTHER PUBLIC COMMENT RECEIVED

10:30p.m.: Reconvened into open session

City Attorney Lorca: Stated as to the matters of *California Native Plant Society vs. Fort Ord Reuse Authority*, *Robert Austin vs. City of Del Rey Oaks* and *Public Employee Performance Evaluation/Conference with Labor Negotiators* status was provided to Council and Council provided him with direction, but no reportable action taken.

10:30p.m.: Adjourned to next meeting date of Tuesday, August 25, 2020 at 6 pm.

Attest:

Date:
