



AGENDA

CITY OF SEASIDE

CITY COUNCIL/SUCCESSOR

AGENCY TO THE

REDEVELOPMENT AGENCY

REGULAR MEETING

440 HARCOURT AVE (COUNCIL CHAMBER)

Thursday, October 5, 2023

5:00 PM

NOTICE: *The City Council will hold its public meetings in person, with a virtual option for public participation based on availability. The City of Seaside utilizes Zoom tele-conferencing technology for virtual public participation; however, we make no representation or warranty of any kind, regarding the adequacy, reliability, or availability of the use of this platform in this manner. Participation by members of public through this means is at their own risk.*

VIRTUAL PUBLIC PARTICIPATION INSTRUCTIONS

1. To view this meeting: Please click on the following link to the City of Seaside YouTube Channel: <https://www.youtube.com/c/CityofSeasideCalifornia>
2. To participate in this meeting: Using the Zoom application on your smart phone, laptop, tablet or desktop and click on this link: <https://ci-seaside-ca-us.zoom.us/j/81936832059>
WEBINAR ID: 819 3683 2059
3. To participate by phone: Please call (669) 900-9128
Enter the meeting ID 819 3683 2059 when prompted. There is no participate code – press the pound sign # after the recording prompts you.
4. To make public comment, the following options are available:

Before the Meeting via Email: Written comments can be emailed to CityClerk@ci.seaside.ca.us Include the following subject line: "Public Comment Item #____" (insert the agenda item number relevant to your comment). Written comments must be received by 2:00 p.m. on the day of the meeting.

During the Meeting via Oral Comments: When the Chair calls for public comment, attendees can queue to speak with the "Raise Hand" feature. On the Zoom application, click the "Raise Hand" button. On the phone, press *9.

IN PERSON PARTICIPATION INSTRUCTIONS

Members of the public participating in person and wishing to address the City Council may approach the podium when the Chair calls for public comment.

1. CALL TO ORDER

2. ROLL CALL – ESTABLISHMENT OF QUORUM

Ian N. Oglesby	Mayor/Chair
David R. Pacheco	Mayor Pro Tem/Vice Chair
Alexis Garcia-Arrazola	Council/Agency Member
Rita Burks	Council/Agency Member
Alex Miller	Council/Agency Member

3. INVOCATION AND PLEDGE OF ALLEGIANCE

4. REVIEW OF AGENDA

If there are any items that arose after the 72-hour posting deadline, this is the point in the meeting where a vote may be taken to add the item to the agenda. (A 2/3-majority vote is required).

5. PUBLIC COMMENT

Members of the public wishing to address the City Council on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to three (3) minutes. Public Comments for "Presentations" on this agenda are also taken at this time; comments on specific agenda items are heard under that item. For the public record, please state your name.

6. PUBLIC AGENCY COMMUNICATIONS

This is a time specifically set aside for representatives of public agencies to make brief comments of general interest to the City Council and the community.

7. PRESENTATIONS

**A. OAXACA BY THE SEA EVENTS FOLLOW UP AND DE-BRIEFING REPORT
(RECREATION DIRECTOR DAN MEEWIS)**

**B. UPCOMING CITYWIDE EVENTS & COMMUNITY ANNOUNCEMENTS
(RECREATION DIRECTOR DAN MEEWIS)**

**C. ECONOMIC DEVELOPMENT UPDATE (ECONOMIC DEVELOPMENT
DIRECTOR JOSE BAZUA)**

8. CONSENT AGENDA

A. APPROVE THE PURCHASE OF A DRONE FOR POLICE DEPARTMENT IN ACCORDANCE WITH AB 481 FOR AN AMOUNT NOT TO EXCEED \$14,604.26

RECOMMENDATION: Approve the purchase of an advexure unmanned systems matrice m30t drone for the Police Department to utilize to address illegal fireworks and emergencies, in accordance with AB 481 acquisition ordinance, not to exceed \$14,604.26.

B. APPROVE PROCLAMATION RECOGNIZING OCTOBER AS NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

RECOMMENDATION: Approve proclamation recognizing National Disability Employment Awareness Month in the City of Seaside.

C. APPROVE PROCLAMATION RECOGNIZING SEPTEMBER 15 - OCTOBER 15 AS NATIONAL HISPANIC HERITAGE MONTH

RECOMMENDATION: Approve proclamation recognizing National Hispanic Heritage Month in the City of Seaside.

D. APPROVE PROCLAMATION RECOGNIZING OCTOBER AS NATIONAL BREAST CANCER AWARENESS MONTH

RECOMMENDATION: Approve a proclamation recognizing as National Breast Cancer Awareness Month in the City of Seaside.

E. APPROVE PROCLAMATION RECOGNIZING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH

RECOMMENDATION: Approve a proclamation recognizing October as Domestic Violence Awareness Month.

F. APPROVE PROCLAMATION DECLARING FREEDOM FROM WORKPLACE BULLYING WEEK FROM OCTOBER 15-21

RECOMMENDATION: Approve a proclamation declaring freedom from workplace bullying week from October 15-21, 2023.

9. BUSINESS ITEMS

A. RECEIVE INFORMATION AND CONSIDER AN ORDINANCE RELATED TO THE MANAGEMENT OF ABANDONED SHOPPING CARTS

RECOMMENDATION: Receive, review, file and provide directions to staff on the draft Shopping Cart Ordinance that will give the City authority to resolve the increased blight created by the proliferation of shopping cart encampments throughout the community.

B. FIREWORKS AFTER ACTION RECOMMENDATIONS FOR DISCUSSION AND DIRECTION

RECOMMENDATION: Receive fireworks recommendations and discuss proposed

changes.

10. COUNCIL MEMBER REQUESTS

A. NEW COUNCIL MEMBER REQUESTS

B. FOLLOW UP ON PREVIOUS COUNCIL MEMBER REQUESTS

11. CITY ATTORNEY, CITY MANAGER, CITY COUNCIL AND MAYOR COMMENTS AND REPORTS ON COMMITTEE ASSIGNMENTS

This is a time specifically set aside for members of the City Council, the City Manager and City Attorney to make brief comments of general interest to the community and report on committee assignments.

12. CLOSED SESSION

Pursuant to Government Code Section 54956 et seq., the City Council and Successor Agency to Redevelopment Agency may adjourn to a Closed Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City Attorney. Public comments on these items are taken after being read by the City Attorney. For the public record, please state your name.

A. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54956.9- EXISTING LITIGATION: MONTEREY COUNTY SUPERIOR COURT CASE 20CV003118, PEOPLE V. ARZADON, ETAL.

B. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE 54956.9

Potential Litigation (2 MATTERS)

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE 54956.8

Property: The Property Commonly Referred to As Campus Town (Property bounded by Highway 1/1st Avenue, 7th Avenue, Lightfighter/Colonel Durham Street, and Gigling)

Agency Negotiators: City Manager, et. al

Negotiating Parties: KBB Seaside Venture, et. al. and City of Seaside

Under Negotiation: Price, terms of payment or both

13. ADJOURNMENT

Next Regularly Scheduled Meeting:
OCTOBER 19, 2023
5:00 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. Agendas are posted at:
<http://www.ci.seaside.ca.us/129/City-Council-Committee-Agendas>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Governor Newsom's Executive Orders N-29-20 and N-33-20.



CITY OF SEASIDE STAFF REPORT

Item No.: 8.A.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Nick Borges, Police Chief

DATE: October 5, 2023

**SUBJECT: APPROVE THE PURCHASE OF A DRONE FOR POLICE
DEPARTMENT IN ACCORDANCE WITH AB 481 FOR AN AMOUNT
NOT TO EXCEED \$14,604.26**

RECOMMENDATION

Approve the purchase of an advexure unmanned systems matrice m30t drone for the Police Department to utilize to address illegal fireworks and emergencies, in accordance with AB 481 acquisition ordinance, not to exceed \$14,604.26.

BACKGROUND

As part of the police department's effort to address the use of illegal fireworks, we have identified the value of utilizing drones in large numbers to enforce such activity during needed times. As part of an after-action report, the police department provided to City Council on August 3rd, 2023, we saw a reduction of illegal fireworks and the success of utilizing multiple drones through a command post. The Police Department currently only owns one drone and we rely heavily on our fire department and the volunteer drone team. We believe having our own drone allows our officers to have better access and availability, not only to address illegal fireworks, but a variety of police situations to address matters that would increase our success rate and overall safety. Assembly Bill 481 defines a drone as "military equipment," thus requiring our governing body, City Council, to approve or deny the acquisition of this particular piece of equipment. We are recommending City Council approve the purchase of an Advexure drone not to exceed \$14,604.26.

FISCAL IMPACT

The total purchase includes:

1. Training

- 2. Advexure Matrice 30T Aircraft
 - 3. Extra Batteries
 - 4. Firmware
- Total cost:
\$14,604.26

ATTACHMENTS

- 1. Vendor Quote
-

Reviewed for Submission to the City Council by:



Jaime M. Fontes, City Manager

BILLING

Seaside Police Department
Matthew Doza
440 Harcourt Ave
Seaside, CA 93955
PHONE: 831-899-6751
EMAIL: mdoza@ci.seaside.ca.us

SHIPPING

Seaside Police Department
Matthew Doza
440 Harcourt Ave
Seaside, CA 93955

SALES QUOTE

QUOTE #	55135
ISSUED	9/26/2023
EXPIRES	30 Days
TERMS	Net 30

QTY	SKU	ITEM / DESCRIPTION	UNIT PRICE	AMOUNT
1	DJI-M30TCB	DJI Matrice 30T Combo w/ Care Enterprise (Basic) Includes: (1) Matrice 30T Aircraft, (1) DJI RC Plus Remote Controller, (2) TB30 Flight Batteries, (1) BS30 Battery Station, (3) Pairs of 1671 Propellers, (1) USB-C Cable, (1) USB-C to USB-C Cable, (1) Carrying Case, (1) Screws and Tools	9,637.00	9,637.00T
6	DJI-M30TB30	DJI Matrice 30 TB30 Intelligent Flight Battery	329.00	1,974.00T
2	DJI-CSB37	DJI WB37 Intelligent Battery	59.00	118.00T
1	DJI-RCPLSK	DJI RC Plus Shoulder Harness Strap & Bracket Kit	39.00	39.00T
1	CZI-LP12	LP12 Spotlight & Speaker for Matrice 30 Series -Includes PSDK Mounting Bracket	1,995.00	1,995.00T
1	GPC-DJI-M30-10-...	GPC DJI Matrice 30 Ten (10) Battery Case	259.00	259.00T
1	HM-AD-LP5	Advexure Hoodman Drone Launch/Landing Pad (5 Ft)	199.00	199.00T
1	ADV-ASPF	ADVEXURE PUBLIC SAFETY FLEET SERVICES Aircraft Setup, Prep and Firmware Update Service COMPLIMENTARY: Aircraft will be fully setup, configured and tested prior to fulfillment. Complimentary full tech check by Advexure's manufacturer certified technicians prior to fulfillment which includes a complete airworthiness checkover, firmware updates, and ease of operation prep so your system is fully ready to fly upon arrival.	0.00	0.00
1	ADV-ELPS	Advexure Enterprise Lifetime Premium Support COMPLIMENTARY: As one of the longest serving and most reputable UAV/drone dealers and distributors in North America, Advexure's enterprise solutions division commits itself to seven days a week, 365 days a year dedicated enterprise level support available near 24 hours a day by phone, email and live chat. Learn more about the Advexure Experience here, and research our service reputation for yourself.	0.00	0.00

YOUR ADVEXURE POINT OF CONTACT

Travis Waibel, Public Safety Solutions
Email: twaibel@advexure.com | Direct: (424) 317-4451

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PUBLIC SAFETY UAS | TRAINING | CONSULTING | SERVICE

Advexure Unmanned Systems

9281 Irvine Blvd
Irvine, CA 92618 USA

Tax ID: 47-4174938 | CAGE: 8FF59
www.advexure.com | (855) 625-2055

BILLING

Seaside Police Department
Matthew Doza
440 Harcourt Ave
Seaside, CA 93955
PHONE: 831-899-6751
EMAIL: mdoza@ci.seaside.ca.us

SHIPPING

Seaside Police Department
Matthew Doza
440 Harcourt Ave
Seaside, CA 93955

SALES QUOTE

QUOTE #	55135
ISSUED	9/26/2023
EXPIRES	30 Days
TERMS	Net 30

QTY	SKU	ITEM / DESCRIPTION	UNIT PRICE	AMOUNT
1	ADV-TRN-M30T	ADVEXURE TRAINING (COMPLIMENTARY) Advexure's 1-Day Matrice 30T Systems Training Delivered at your department's training site of choice by Advexure's team of public safety UAS professionals. Length: 1 Day (8 Hours) - Must be booked 2 weeks in advance. Training is catered to your agency's needs and experience of pilots. Curriculum includes systems training, emergency procedures, general maintenance and an intro into scenario applications. All pilots must be FAA Part 107 certified. Maximum of 6 pilots per instructor, for more than 6 pilots, please contact us. **\$1,200 VALUE, INCLUDED AT NO COST FREE Standard Shipping Sourcewell Contract Pricing - Unmanned Vehicle Systems Contract #011223-ADX Contract Period: 03/21/2023 - 03/24/2027 Account Name: City of Seaside Account #: 17733	0.00 0.00 -853.26	0.00 0.00 -853.26
			Subtotal	\$13,367.74
			Sales Tax (9.25%)	\$1,236.52
			TOTAL	\$14,604.26

YOUR ADVEXURE POINT OF CONTACT
Travis Waibel, Public Safety Solutions
Email: twaibel@advexure.com | Direct: (424) 317-4451

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**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.B.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dominique Davis, City Clerk

DATE: October 5, 2023

**SUBJECT: APPROVE PROCLAMATION RECOGNIZING OCTOBER AS
NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH**

RECOMMENDATION

Approve proclamation recognizing National Disability Employment Awareness Month in the City of Seaside.

BACKGROUND

Held every October, National Disability Employment Awareness (NDEAM) Month is a fitting time to educate about disability employment issues and celebrate the many and varied contributions of America's workers with disabilities. The 2023 NDEAM theme will be "Advancing Access & Equity."

National Disability Employment Awareness Month is led by the U.S. Department of Labor's Office of Disability Employment Policy (ODEP) and its true spirit lies in the many observances held at the grassroots level across the nation every year.

FISCAL IMPACT

None

ATTACHMENTS

1. National Disability Employment Awareness 2023
-

Reviewed for Submission to the City Council by:

Jaime M. Fontes, City Manager

City of Seaside PROCLAMATION



National Disability Awareness Month October 2023

WHEREAS, October 2023 marks the 78th anniversary of National Disability Employment Awareness Month; and

WHEREAS, the purpose of National Disability Employment Awareness Month is to educate about disability employment issues and celebrate the many and varied contributions of America's workers with disabilities; and

WHEREAS, the history of National Disability Employment Awareness Month traces back to 1945 when Congress enacted a law declaring the first week in October each year "National Employ the Physically Handicapped Week;" and

WHEREAS, in 1962, the word "physically" was removed to acknowledge the employment needs and contributions of individuals with all types of disabilities; and

WHEREAS, in 1988, Congress expanded the week to a month and changed the name to National Disability Employment Awareness Month; and

WHEREAS, workplaces welcoming of the talents of all people, including people with disabilities, are a critical part of our efforts to build an inclusive community and strong economy; and

WHEREAS, activities during this month will reinforce the value and talent people with disabilities add to our workplaces and communities and affirm the City of Seaside's commitment to an inclusive community that increases access and opportunities to all, including individuals with disabilities; and

WHEREAS, that City of Seaside recognize and commemorate the 78th anniversary of National Disability Employment Awareness Month; and

WHEREAS, that the City of Seaside call upon employers, schools, and other community organizations in Seaside to observe October with appropriate programs and activities, and to advance its important message that people with disabilities add value and talent to our workplaces and communities.

NOW, THEREFORE BE IT PROCLAIMED, that I, The Honorable Ian N. Oglesby, Mayor of the City of Seaside, on behalf of the City Council, do hereby proclaim the City of Seaside, Ca. pledge to continue to take steps throughout the year to recruit, hire, retain, and advance individuals with disabilities and work to pursue the goals of opportunity, full participation, economic self-sufficiency, and independent living for people with disabilities.

Ian N. Oglesby, Mayor
October 5, 2023



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.C.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dominique Davis, City Clerk

DATE: October 5, 2023

**SUBJECT: APPROVE PROCLAMATION RECOGNIZING SEPTEMBER 15 -
OCTOBER 15 AS NATIONAL HISPANIC HERITAGE MONTH**

RECOMMENDATION

Approve proclamation recognizing National Hispanic Heritage Month in the City of Seaside.

BACKGROUND

National Hispanic Heritage Month celebrates and recognizes the contributions Hispanic Americans have made to American society and culture and to honor five of our Central American neighbors who celebrate their Independence days in September.

FISCAL IMPACT

None.

ATTACHMENTS

1. Proclamation National Hispanic Heritage Month
-

Reviewed for Submission to the City Council by:


Jaime M. Fontes, City Manager

City of Seaside PROCLAMATION



National Hispanic Heritage Month

Commemorative Observance

WHEREAS, September 15th through October 15th is recognized as National Hispanic Heritage Month and as a time to honor the invaluable ways Hispanics and Latinos contribute to our common goals, celebrate their diverse cultures, and to work towards a stronger, more inclusive, and more prosperous society for all; and

WHEREAS, Hispanics and Latinos have and continue to serve as Civil Rights leaders, politicians, military service members, educators, first responders, science pioneers, and public servants for our community and country; and

WHEREAS, Hispanics and Latinos have enhanced and shaped our national character with centuries old traditions that reflect the multi-ethnic and multi-cultural customs of their communities, while adding their own distinct and dynamic perspectives to the story of our country; and

NOW THEREFORE, BE IT PROCLAIMED, that I, The Honorable Ian N. Oglesby, Mayor of the City of Seaside, on behalf of the City Council, do hereby proclaim September 15, 2022 through October 15, 2023 as National Hispanic Heritage Month.

Ian N. Oglesby, Mayor
October 5, 2023



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 8.D.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dominique Davis, City Clerk

DATE: October 5, 2023

**SUBJECT: APPROVE PROCLAMATION RECOGNIZING OCTOBER AS
NATIONAL BREAST CANCER AWARENESS MONTH**

RECOMMENDATION

Approve a proclamation recognizing as National Breast Cancer Awareness Month in the City of Seaside.

BACKGROUND

October is National Breast Cancer Awareness Month, a time to raise awareness about breast cancer, promote early detection and screening, and support those affected by the disease. Breast cancer is the most common cancer among women in the United States, other than skin cancer, and is the second leading cause of cancer death among women.

FISCAL IMPACT

None.

ATTACHMENTS

1. Proclamation for National Breast Cancer Awareness Month
-

Reviewed for Submission to the City Council by:


Jaime M. Fontes, City Manager

CITY OF SEASIDE PROCLAMATION



NATIONAL BREAST CANCER AWARENESS MONTH

WHEREAS, breast cancer is the most common cancer among women in the United States, other than skin cancer, and is the second leading cause of cancer death among women; and

WHEREAS, breast cancer is a disease that affects people of all ages, races, and ethnicities, and can be devastating for individuals, families, and communities; and

WHEREAS, National Breast Cancer Awareness Month is a time to raise awareness about breast cancer, promote early detection and screening, and support those affected by the disease; and

WHEREAS, the City of Seaside is committed to supporting breast cancer awareness and prevention efforts;

WHEREAS, all residents are encouraged to learn more about breast cancer and the importance of early detection and screening;

WHEREAS, residents are further encourage to support those affected by breast and their families.

THEREFORE, BE IT PROCLAIMED, that I, The Honorable Ian N. Oglesby, Mayor of the City of Seaside, on behalf of the City Council, do hereby proclaim October 2023, as National Breast Cancer Awareness Month, and the filing of this proclamation in the Office of the City Clerk.

*Ian N. Oglesby, Mayor
October 5, 2023*



CITY OF SEASIDE STAFF REPORT

Item No.: 8.E.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Derrick Elder, Family & Community Support Practitioner
Dan Meewis, Recreation Director

DATE: October 5, 2023

**SUBJECT: APPROVE PROCLAMATION RECOGNIZING OCTOBER AS
DOMESTIC VIOLENCE AWARENESS MONTH**

RECOMMENDATION

Approve a proclamation recognizing October as Domestic Violence Awareness Month.

BACKGROUND

Domestic Violence Awareness Month was first introduced back in 1981 by the National Coalition Against Domestic Violence and officially declared in 1989.

Domestic Violence Awareness Month was created not only to bring more awareness to others but to connect and unify the millions of affected victims/survivors that have been battered due to domestic violence. It's hope is to break the chains of violence that currently have such a strong grip on our nation.

The Seaside Family and Community Support Program is devoted to supporting the safety of all members of the Seaside Community through its engagement in survivor-centered practices and wants to shed light onto this severe, growing epidemic.

FISCAL IMPACT

There is no fiscal impact.

ATTACHMENTS

1. Proclamation for Domestic Violence Awareness Month
-

Reviewed for Submission to the City Council by:



Jaime M. Fontes, City Manager

City of Seaside PROCLAMATION



Domestic Violence Awareness Month October 2023

WHEREAS, intimate partner violence affects people of all ages as well as all racial, ethnic, gender, economic, and religious backgrounds; and

WHEREAS, women are disproportionately victims of domestic violence, as 1 in 4 women and 1 in 7 men ages 18 and older will experience domestic violence at some point in their life; and

WHEREAS, COVID-19 restrictions had some hospitals see a near-doubling of the proportion of domestic abuse cases that resulted in physical injury in comparison with previous years; and

WHEREAS, 99 percent of abusive relationships include financial abuse, causing the survivors to stay or return to the abusive relationship; and

WHEREAS, there is a need for primary schools, secondary schools, and postsecondary schools to educate students about the issues of domestic violence, sexual assault, dating violence, and stalking; and

WHEREAS, a recently released multistate study shows that the Nation's domestic violence shelters are addressing victims' urgent and long-term needs and are helping victims protect themselves and their children; and

WHEREAS, domestic violence advocates provide lifesaving, essential services; and

WHEREAS, The City of Seaside recognizes the vital role that all citizens can play in preventing and, one day, ending domestic violence.

*WHEREAS, it is fitting to designate the month of October as **National Domestic Violence Awareness Month** to acknowledge victims of domestic violence in the City of Seaside and the service providers who support these residents in need.*

NOW THEREFORE, BE IT PROCLAIMED, that I, The Honorable Ian N. Oglesby, Mayor of the City of Seaside, on behalf of the City Council, hereby declare **October 2023 as National Domestic Violence Awareness Month** and urges all our citizens in Seaside to support and promote this observance.

Ian N. Oglesby, Mayor
October 5, 2023



CITY OF SEASIDE STAFF REPORT

Item No.: 8.F.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Dominique Davis, City Clerk

DATE: October 5, 2023

**SUBJECT: APPROVE PROCLAMATION DECLARING FREEDOM FROM
WORKPLACE BULLYING WEEK FROM OCTOBER 15-21**

RECOMMENDATION

Approve a proclamation declaring freedom from workplace bullying week from October 15-21, 2023.

BACKGROUND

Bullying is a systematic campaign of interpersonal destruction that jeopardizes your health, your career, the job you once loved. Bullying is a non-physical, non-homicidal form of violence. Because it is abusive, it causes both emotional and stress-related physical harm. The Workplace Bullying Institute (WBI) defines workplace bullying as repeated, health-harming mistreatment of one or more people in the workplace.

Workplace bullying behavior is abusive conduct that falls into one of the following three categories:

1. Threatening, humiliating, or intimidating workplace behavior;
2. Work interference / sabotage of the person's work performance; or
3. Verbal abuse.

Freedom from Workplace Bullying Week is a chance to break through the shame and silence surrounding bullying.

FISCAL IMPACT

None.

ATTACHMENTS

1. Proclamation for Workplace Bullying Week
-

Reviewed for Submission to the City Council by:



Jaime M. Fontes, City Manager

City of Seaside PROCLAMATION



Freedom from Workplace Bullying Week

Commemorative Observance

***WHEREAS**, the City of Seaside has an interest in promoting the social and economic well-being of its employees and citizens; and*

***WHEREAS**, that well-being depends upon the existence of healthy and productive employees working in safe and abuse-free environments; and*

***WHEREAS**, Bullying is a systematic campaign of interpersonal destruction that jeopardizes employee health, shatters careers and strains families; and*

***WHEREAS**, Bullying is a non-physical, non-lethal workplace violence and it is abusive, causing psychological injuries and stress-related diseases; and*

***WHEREAS**, Freedom from Workplace Bullies Week is a chance to break through the silence and secrecy and to do the right thing; and*

***WHEREAS**, Everyone deserves a safe, healthy, and dignified workplace;*

***NOW THEREFORE, BE IT PROCLAIMED**, that I, The Honorable Ian N. Oglesby, Mayor of the City of Seaside, on behalf of the City Council, do hereby proclaim October 15-21, 2023, as **Freedom from Workplace Bullying Week** and commend the California Healthy Workplace Advocates and the Workplace Bullying Institute, which raise awareness of the impacts of, and solutions for, workplace bullying in California and the U.S. and encourage citizens to mark this week with special activities and programs to break through the shame and silence enshrouding adult bullying at work.*

Ian N. Oglesby, Mayor
October 5, 2023



CITY OF SEASIDE STAFF REPORT

Item No.: 9.A.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Jose Bazua, Economic Development Director

DATE: October 5, 2023

**SUBJECT: RECEIVE INFORMATION AND CONSIDER AN ORDINANCE
RELATED TO THE MANAGEMENT OF ABANDONED SHOPPING
CARTS**

RECOMMENDATION

Receive, review, file and provide directions to staff on the draft Shopping Cart Ordinance that will give the City authority to resolve the increased blight created by the proliferation of shopping cart encampments throughout the community.

BACKGROUND

The City of Seaside has seen an increase in the proliferation of shopping carts throughout the community in the last several years.

The City has been working in a collaborative effort with the Police, Building Safety and the Public Works Department to respond to community requests to eliminate the blight created by shopping cart encampments. These Departments are able to pick up and resolve blight on public property and right of ways but need additional authority to work with private property owners in resolving this unsightly nuisance issue.

The City intends to create an Ordinance giving these departments the authority to pursue more punitive damages against businesses that do not have an Abandoned Cart Prevention Plan or measures to take full responsibility for their shopping carts.

Many cities in Monterey County and California are dealing with this same issue of shopping cart encampments throughout their communities. Cities that have strong shopping cart ordinances include Los Angeles, San Francisco, San Diego, Watsonville, and Sacramento. Staff must take the necessary time to review and analyze different ordinances to finalize the most effective ordinance. There are many nuances that staff must consider such as:

- how abandoned shopping carts are reported;

- the removal process; and,
- the proper business cart removal contact.
- Enforcement.

In drafting the ordinance, staff is considering several choices for the ordinance direction that range from low to high impact on city staff time, legal ramifications and cost. Below is a list of most likely actions in ascending order of least potential pushback and most promising resolution of the perceived problem.

1. Work with owners to receive permission to retrieve their shopping or laundry carts from off store parking lot premises within city limits;
2. Streamline the procedure to create and adopt a Shopping and Laundry Cart Retrieval Plan for new development;
3. Consider to warehouse the seized property on city property;
4. Require businesses to install location and stoppage technology on their shopping carts;
5. Develop a regional shopping cart retrieval approach
6. Fine businesses \$50 if three shopping or laundry carts are not retrieved in any six month period;
7. Fine businesses more than \$100 for retrieval, housing and disposing of shopping carts after 30 day holding period;
8. Hire a third party to retrieve, house, and return shopping or laundry carts to the owners.

Staff will narrow the Ordinance once the City Council gives staff direction on the different choices.

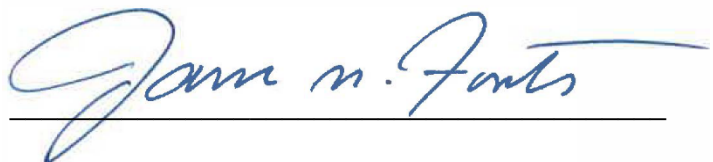
FISCAL IMPACT

The fiscal impact is not known at this time. However, using city services to gather, store, return or dispose of discarded or abandoned carts will be more expensive than hiring a third-party vendor to collect and return such carts to their owners. It is not inconceivable that the client stores could be charged for this service if they continue to not do this themselves.

ATTACHMENTS

1. Proposed Shopping Cart Regulations 3 09.28.23

Reviewed for Submission to the City Council by:



Jaime M. Fontes, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE

**AMENDING SEASIDE MUNICIPAL CODE TITLE 8 (HEALTH AND SAFETY) BY
ADDING SECTION 8.63: SHOPPING CART REGULATIONS**

THE CITY COUNCIL OF THE CITY OF SEASIDE DOES ORDAIN AS FOLLOWS:

SECTION 1. GENERAL PURPOSE AND FINDINGS.

The purpose of this Ordinance is to Amend Title 8 Seaside Municipal Code by adding Section 8.63 (proposed text identified with an underline (Underline)). The City Council enacts this Ordinance in accordance with the authority granted to Cities by State law.

SECTION 2. ADDITIONS.

The following sections of the Seaside Municipal Code are hereby added to read as follows:

CHAPTER 8.63

SHOPPING CART REGULATIONS

8.63.010 Findings

California Business and Professions Code §§ 22435 through 22435.8 authorizes a city, inter alia, to retrieve off-premises shopping and laundry carts and fine the shopping cart owner up to \$50 if three or more shopping or laundry carts are not retrieved in any six month period. Subdivision (d) of Business and Professions Code § 22435.7 authorizes cities which impound shopping carts to recover the actual cost of the recovery service.

California Business and Professions Code §§ 22435.10 through 22435.13 regulates shopping and laundry cart retrieval services.

8.63.020 Definitions.

As used in this chapter:

- (a) "Abandoned or Displaced cart" shall mean any cart that has been

removed, without written consent of the owner, from the owner's business premises and is located on either public or private property.

(b) "Agent" shall mean the person or persons designated by the owner of the cart authorized as the person to perform or provide retrieval services on behalf of the owner. The agent may be the owner, store manager, employee or private cart retrieval company.

(c) "Cart" shall mean a basket which is mounted on wheels or a similar device generally used in a retail or commercial establishment by a customer for the purpose of transporting goods of any kind.

(d) "Director" shall mean the Director of Public Works or the Chief Building Official for the City of Seaside or such other director designated by the City Manager to administer this chapter.

(e) "Owner" shall mean any person or entity, who in connection with the conduct of a business, owns, leases, possesses, or makes a cart available to customers or the public. For the purposes of this chapter, owner shall also include the agent.

(f) "Premises" shall mean the entire area owned, occupied, and/or utilized by an owner which provides carts for use by customers or other persons, including any parking lot or other property provided on behalf of the owner for customer parking or use.

8.63.030 Unauthorized removal unlawful.

It shall be unlawful for any person, either temporarily or permanently, to remove a cart from the premises or be in possession of a lawfully marked cart that has been removed from the premises without written consent of the owner authorized by this chapter or for the purpose of repair, maintenance, or disposal.

8.63.040 Abandonment or Displacement of Carts prohibited.

It shall be unlawful for any person to cause or permit any cart to be abandoned or displaced on or upon any sidewalk, street or other public area, other than the premises of the owner of such cart.

8.63.050 Cart identification required.

Every cart owned or provided by any owner shall have the sign that includes the owner's name, address and phone number required by Section 22435.1 of the

California Business and Professions Code permanently affixed to the cart.

8.63.060 Cart removal warning signs.

Owners shall prominently display signs notifying the public that removal of carts from the premises is prohibited under Business and Professions Code Section 22435 et seq and this chapter.

8.63.070 Written permission required for off-premises use of cart.

An owner may permit customer off-premises use of a cart for transportation of purchased items. The authorization must be in writing with date and time. This cart must be returned to the owner's premises within 72 hours.

8.63.080 Mandatory locking of carts after hours.

Carts stored outdoors shall be locked after business hours in a manner that prevents theft.

8.63.090 Mandatory retrieval required within 24-hours of notification by City.

The City shall notify the owner of an abandoned cart when such cart is located in a place that can be accessed safely by the owner. Such notice may be by telephone, email or text message to the owner or owner's agent designated in the Abandoned Cart Prevention and Retrieval Plan. Within 24 hours of City notification, the owner or agent shall cause the identified cart(s) to be retrieved.

8.63.100 Abandoned or Displaced cart prevention and retrieval plan required.

Every owner who provides carts to customers or intends to provide carts to customers shall develop, implement and comply with the terms and conditions of an approved Abandoned or Displaced Cart Prevention and Retrieval Plan to prevent unauthorized removal of carts from a premises and, if removed, to retrieve the cart within 24 hours of removal or notice of removal. Such Abandoned or Displaced Cart Prevention and Retrieval Plan must be approved by the Director to be effective. Such Abandoned or Displaced Cart Prevention and Retrieval Plan shall include the following elements:

- (a) Name. The name of the owner, any agent(s) and the business name,

the physical address where the business is conducted, name, address and phone number(s) of the on-site and off-site owner or agent(s) if different.

(b) Designation of the agent for cart retrieval including direct contact information including phone, text or email information.

(c) Cart Identification Sign. Owners shall attach an example of the proposed cart ownership identification sign which shall conform to California Business and Professions Code § 22345.1 and this chapter.

(d) Verification that carts that are stored outdoors shall be locked during hours when the business is closed.

(e) At any time after the Director's approval of any Abandoned or Displaced Cart Prevention and Retrieval Plan, the owner may propose a change to address different circumstances or to improve the Plan.

(f) The owner or agent shall provide the City with current contact information for the purpose of notification of abandoned carts by the City.

An owner or agent, who fails, three times or more in any 6-month period, to retrieve a cart within the required 24-hour period upon notification by the City, will be required to submit a revised Abandoned or Displaced Cart Prevention and Retrieval Plan for approval by the Director. After approval of the revised Abandoned or Displaced Cart Prevention and Retrieval Plan, an owner or agent who then fails, three times in any subsequent 6-month period, to retrieve a cart within the required 24 hour period upon notification by the City, shall be required to enter into a valid and enforceable contract with a shopping or laundry cart retrieval business which complies with Article 2 of Chapter 19 of Division 8 of the Business and Professions Code, commencing with § 22435.10.

SECTION 3. SEVERABILITY.

If any provision of this chapter, or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this chapter, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the provisions of this chapter are severable.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days following the date of its final passage and adoption at a duly notice public hearing for the second reading of the proposed text repeal and text amendments.

SECTION 5. PUBLICATION. The City Clerk shall certify to the adoption of this Ordinance and shall, within fifteen (15) days after passage, publish a summary of this Ordinance in accordance with Section 36933 of the Government Code of the State of California with the names of City Council members voting for and against it.

INTRODUCED at a regular meeting of the City Council of the City of Seaside held on the ____ day of _____ 2023, and passed to print.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held the ____ day of _____ 2023, by the following vote:

AYES:	COUNCIL MEMBERS
NOES:	COUNCIL MEMBERS
ABSENT:	COUNCIL MEMBERS
ABSTAIN:	COUNCIL MEMBERS

APPROVED:

Ian N. Oglesby, Mayor

ATTEST:

Dominique L. Davis, City Clerk

APPROVED AS TO FORM:

Sheri L. Damon, City Attorney



CITY OF SEASIDE STAFF REPORT

Item No.: 9.B.

TO: City Council

FROM: Jaime M. Fontes, City Manager

BY: Nick Borges, Police Chief

DATE: October 5, 2023

**SUBJECT: FIREWORKS AFTER ACTION RECOMMENDATIONS FOR
DISCUSSION AND DIRECTION**

RECOMMENDATION

Receive fireworks recommendations and discuss proposed changes.

BACKGROUND

Each year, the police and fire department provide an after-action report to the community and City Council regarding the overall actions taken during the 4th of July holiday as well as proposed recommendations. On August 3rd, 2023, our department provided this year's after-action report. In that, we propose a series of recommendations which are as follows:

1. Parking Enforcement team on duty during the 4th of July
2. Increase the number of drones deployed and enhance the drone program (request submitted to Council)
3. Recommend Safe and Sane zones in our community where safe and sane fireworks are authorized to be used (i.e. Home Depot, Roberts Lake, etc.)
4. Pass out warning fliers to previously identified hot spots
5. Increase Fire Department education regarding the dangers of the use of illegal fireworks
6. Increase Police Department education regarding the consequences of using illegal fireworks
7. Recommend NO PARKING signs/curb markings on General Jim Moore Blvd from Hilby Ave to Coe Ave
8. Host a community meeting to get community feedback (this will occur at the October Community Safety Commission meeting).
9. Establish a 10:00 p.m. curfew for the use of Safe and Sane fireworks to reduce noise

pollution, and allow police and fire efforts to be focused on illegal fireworks being used
10. Authorize the sale of Safe and Sane fireworks to Seaside residents only
(Identification will be needed for residents to purchase fireworks from vendors / police
and fire will educate vendors and spot check during sale period for compliance)
11. Communit Drone Show. This recommendation has been brought up by community
members and in discussions through the Community Safety & Advisory Commission.

The above-mentioned recommendations are to help initiate a discussion that will lead to
the adoption of Council-approved policies.

Public safety concur, these actions would support efforts to address the issue of illegal
fireworks use. We recommend that City Council discuss these recommendations, and
provide direction to the police department and respective staff to make changes as they
see as appropriate and effective.

FISCAL IMPACT

None.

ATTACHMENTS

None

Reviewed for Submission to the City Council by:



Jaime M. Fontes, City Manager