AGENDA

CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
Council Chamber
440 Harcourt Avenue
Thursday, July 21, 2016
7:00 PM

PLEASE TURN OFF YOUR CELL PHONES UPON ENTERING THE MEETING

1. **CALL TO ORDER**

2. **ROLL CALL – ESTABLISHMENT OF QUORUM**

Ralph Rubio	Mayor
Ian N. Oglesby	Mayor Pro Tem
Dennis J. Alexander	Council Member
Jason Campbell	Council Member
David R. Pacheco	Council 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 COMMENTS**
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 minutes. Public 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. **PROCLAMATION RECOGNIZING THE RETIREMENT OF THE SEASIDE POLICE DEPARTMENT K-9, DRAGO**

PURPOSE: To present a proclamation recognizing Drago, the Seaside Police Department K-9 and thanking him for his years of faithful service.

RECOMMENDATION: That the proclamation be presented.

8. CONSENT CALENDAR

The Consent Calendar includes routine items that can be approved with a single motion and vote. A member of the City Council or a member of the public may request that any time be pulled from the Consent Calendar for separate consideration.

A. APPROVE MINUTES FROM JULY 7, 2016 AND JUNE 2, 2016

RECOMMENDATION: That the Minutes be reviewed and approved.

B. APPROVE AND FILE CITY CHECKS

PURPOSE: It is requested that the City Council approve and file the accounts payable and wired payments made during the period of June 28, 2016 through July 11, 2016. In addition, approval of the payroll and benefits checks, direct deposits and wired payments related to the period of July 7, 2016 is requested. Total Account Payable and Payroll for the above referenced period is $3,187,979.77.

RECOMMENDATION: It is recommended that the City Council approve and file the attached checks.

C. RESOLUTION ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SEASIDE AND THE SEASIDE FIREFIGHTERS' ASSOCIATION

PURPOSE: The purpose of this item is to request the City Council approve a resolution adopting the Memorandum of Understanding (MOU) with the Seaside Firefighters' Association which has agreed to the terms of the proposed agreement.

RECOMMENDATION: It is recommended that the City Council approve the resolution adopting the Memorandum of Understanding with the Seaside Firefighters' Association.

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE MODIFYING THE POSITION ALLOCATION LIST TO ADD ONE POLICE RECORDS SPECIALIST AND DELETE ONE POLICE RECORDS TECHNICIAN

PURPOSE: The purpose of this item is to request the City Council approve a resolution modifying the position allocation list to add one Police Records Specialist and delete one Police Records Technician. Approval of the resolution will not result in the reduction of an existing employee as the Police Records Specialist will be filled internally through a promotional process.

RECOMMENDATION: It is recommended that the City Council adopt the resolution modifying the position allocation list to add one Police Records Specialist and delete one Police Records Technician.

E. APPROVE AND AUTHORIZE SUBMISSION OF RESPONSES TO 2015-16 MONTEREY COUNTY CIVIL GRANT JURY FINAL REPORT

PURPOSE: To authorize staff to submit a response to the Monterey County Civil Grand Jury report "Slowly Expanding Use of Body Worn Video Cameras by Law Enforcement Agencies in Monterey County.

RECOMMENDATION: That the City Council approve the drafted response as submitted.

F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE MODIFYING THE POSITION ALLOCATION LIST TO ADD ONE HVAC SPECIALIST AND DELETE ONE BUILDING MAINTENANCE SPECIALIST

PURPOSE: The purpose of this item is to request the City Council approve a resolution modifying the position allocation list to add one HVAC Specialist and delete one Building Maintenance Specialist. This position will be funded by the City's contract with the United Sates Government under the Base Operations Support Services and Facilities Maintenance and Repair Contract.

RECOMMENDATION: It is recommended that the City Council adopt the resolution modifying the position control list to add one HVAC Specialist and delete one Building Maintenance Specialist.

G. APPROVE DESIGNATION OF VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE OCTOBER 5-7, 2016

PURPOSE: That the City Council Approve the appointment of Mayor Pro Tem Oglesby as the voting delegate and Council Member Alexander as the alternate voting delegate representing the City of Seaside at the League of California Cities Annual Conference.

RECOMMENDATION: That the City Council approve the appointments.

9. MAYOR, CITY COUNCIL, CITY MANAGER AND CITY ATTORNEY 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, make requests that items be added to future City Council meeting agendas as necessary and report on committee assignments.

10. ADJOURNMENT

Next Regularly Scheduled Meeting:
August 4, 2016
7:00 PM

The City of Seaside is an ADA accessible facility and is committed to include the disabled in all of its services, programs and activities. Any person who requires accommodation to be able to participate in this meeting is asked to contact the office of the City Clerk at 899-6707, no fewer than two business days prior to the meeting to allow for reasonable arrangements.The City Council Chambers is equipped with a portable microphone for anyone unable to come to the podium. Assisted listening devices are also available.

Meetings that are held in the City Council Chambers are broadcast live to all Seaside residents on Comcast Channel 25 and U-verse Channel 99. Meetings are also available through live streaming at: http://cvp.telvue.com/player?id=T01629&video=52314&noplaylistskin=1&width=400&height=300 Videos of past meetings are available on demand through the City's website: http://www.ci.seaside.ca.us

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 Government Code Section 54954.2(a) or Section 54956.

DRAFT MINUTES

CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
COUNCIL CHAMBER
Thursday, July 7, 2016
7:00 PM

1. **CALL TO ORDER**
Mayor Rubio called the meeting to order at 7:00 PM.

2. **ROLL CALL – ESTABLISHMENT OF QUORUM**
Present: Alexander, Campbell, Oglesby, Pacheco, Rubio
Absent: None

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**

4. **REVIEW OF AGENDA**
Np changes were requested.

5. **PUBLIC COMMENT**
Mayor Rubio invited comments from the public.

- Sarah Heller, resident on Kimball street spoke to the 4th of July Fireworks. She understood that it benefits non-profit organizations but thinks that it impacts the residents negatively and she requested the policy be re-evaluated. She spoke to the impacts that it has to the veterans, the elderly and the animals in our neighborhood. She also didn't believe that the Police Officers should be spending their time determining the difference between illegal and legal fireworks.
- Rebecca Pieken also spoke against the holiday fireworks saying they are beautiful and fun and suggested that the community rally together to financially support a large scale fireworks display in place of the independent fireworks.
- Christine Hoyer spoke regarding receiving a citation for parking a trailer on the street. She spoke to the trailer being used as part of her families financial viability and reported that she cannot find a private storage location and thinks the regulation is overly burdensome and conflicting with the DMV regulations.
- Gundy Retkey also spoke against the 4th of July fireworks indicating Public Safety were very busy with firework related calls which made them unavailable to service the normal residential issues. No matter the excellence of a department, this remains an issue and other local cities have banned them so we should too.
- Judy Whin and Anne Solice who were both associated with Relieve, a medical cannabis cooperative reported they desire to have conversations about establishing a medical cannabis dispensary in Seaside.
- Dawn Poston commended the City on the new website and reminded the community that the Monterey Horse Park is still a viable project and that most of the horse shows are outside of Monterey County and that the project will be an economic engine for jobs and hospitality.
- Darryl Choates expressed frustration with weed abatement efforts between Monterey Road and San Pablo.
- Don Bruno, and RV owner spoke against the RV ordinance and thinks there are other issues the city should be focusing on and should consider alternative solutions, such as a parking

permit program.

- Sue Hawthorne expressed support for the new street lighting in the city and expressed concern there is now a safety issue of lighting on Saint Helena and requested that the directional shades be removed.
- Ray Dandridge echoed Ms. Hawthorne's comments. He also spoke to the fireworks not being as bad as last year and doesn't think banning safe and sane is the problem.
- Members of Community Partnership for youth thanked the City Council for their support and spoke to the new project that students engaged in during the summer Youth Empowerment Solutions for Peaceful Community program which help the youth be advocates for their communities.
- Laurie, this year's president, shared the plan they are working toward to help the local homeless with gift bags filled with usable living essentials items.
- Armando, has been with CPY for 7 years and he said the program has influenced him to be the person he had today and he stayed because of the leaders, who empowered him to be a leader and they encouraged him to be part of the community.
- Tammy Superdewal from CPY, invited the community and Council the CPY sidewalk passport walk and rally July 16 at 10:00 AM for the 25th anniversary of CPY as a thank you to Seaside for all the support

Mayor Rubio responded to public comments made.

6. PUBLIC AGENCY COMMUNICATIONS

No agencies were in attendance.

7. PRESENTATIONS

A. RECOGNITION OF MICHELLE IRVING FOR HER SPECIAL CONTRIBUTIONS IN AIDING THE CITY OF SEASIDE IN DECREASING GANG RELATED CRIMES.

Mayor Rubio presented Michelle Irving with a proclamation for her contributions assisting Seaside with decreasing gang related crimes.

B. RECOGNITION OF HECTOR VAZQUEZ'S 15 YEARS OF COACHING IN THE SEASIDE YOUTH SOCCER LEAGUE

Mayor Rubio presented Mr. Hector Vazquez with a proclamation for his efforts coaching, mentoring and empowering youth through soccer in the City of Seaside.

C. PROCLAMATION RECOGNIZING DEPUTY CITY MANAGER DIANA INGERSOLL FOR HER 34 YEARS OF SERVICE WITH THE CITY OF SEASIDE

Mayor Rubio and the Council presented Ms. Ingersoll with a commending proclamation for her years of service to the City of Seaside.

8. CONSENT CALENDAR

Council Member Campbell questioned items G and H to see if there is adequate funding in the trust fund accounts to pay for these services. Ms. Hodgson indicated the trust funds are current to date and it's a continuous invoice and reimbursement process for services. Items B, C, D G and H were pulled for consideration.

On motion by Council Member Alexander and seconded by Mayor Pro Tem Ian Oglesby and passed by the following vote the City Council approved A, E, F,

RESULT:	**Approved**
MOVER:	Council Member Dennis Alexander
SECONDER:	Mayor Pro Tem Ian Oglesby
AYES:	Ralph Rubio, Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco
NOES:	None

A. <u>APPROVE MINUTES OF JUNE 16, 2016 REGULAR MEETING</u>

Action: Approve

B. <u>APPROVE AND FILE CITY CHECKS</u>

Mayor Rubio invited comments on the item. Felix Bachofner commenting that the retrofitting costs for the Del Monterey Ave project exceeded the contract amount and caution the Council about increases in consulting fees. He also expressed concern that the City is farming out too much work and asked to please hold consultants accountable to their initial contract proposals.

<u>On motion by Council Member Campbell and seconded by Council Member Dennis Alexander and passed by the following vote the City Council approved and filed the City Checks as presented.</u>

RESULT:	**Approved**
MOVER:	Council Member Jason Campbell
SECONDER:	Council Member Dennis Alexander
AYES:	Ralph Rubio, Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco
NOES:	None

C. <u>CONSIDER THE APPROVAL OF THE TRAFFIC ADVISORY COMMITTEE (TAC) RECOMMENDATIONS</u>

Mayor Rubio invited comments on the item. Ray Dandridge spoke to previous comments made regarding the traveling speed of the road, and that it's almost impossible to go that fast in that short block. He's disagrees it is an issue and questioned who has to pay for the modifications if approved. Ms. Ingersoll responded to the item saying that it is a revision to the traffic calming policy, changing residential speeding thresholds to allow different traffic calming standards and methods when complaints are received. The current spread does not allow us the ability to do traffic calming if the speed is not at the high threshold.

<u>On motion by and seconded by Mayor Pro Tem Ian Oglesby and passed by the following vote the City Council approved the item as presented.</u>

RESULT:	**Approved**
MOVER:	Council Member Dennis Alexander
SECONDER:	Mayor Pro Tem Ian Oglesby
AYES:	Ralph Rubio, Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco
NOES:	None

D. <u>CONSIDERATION OF A RESOLUTION AUTHORIZING AN AGREEMENT FOR CONSULTANT SERVICES WITH ADVANCE PROJECT DELIVERY TO PROVIDE PROJECT SUPPORT FOR THE WEST BROADWAY URBAN VILLAGE INFRASTRUCTURE IMPROVEMENT PROJECT FOR A NOT TO EXCEED AMOUNT OF NINETY-THREE THOUSAND SEVEN HUNDRED NINETY-FOUR DOLLARS ($93,794.00)</u>

Council Member Pacheco questioned the recommendation for the firm selection and requested some background information on the selection process. City Engineer Riedl spoke to the consultant's experience and how his contract would benefit the project and the City. He indicated the consultant is an experienced specialist for these project and has worked in the state of CA to secure similar funding. James O'Brien the president of the company, spoke to his personal experience as well as his firms experience and areas of expertise. Council Member Campbell clarified if this is all inclusive or if there were anticipated extensions to the contract to which Mr. Riedl reported that the contract is inclusive through the audit.

On motion by and seconded by Council Member Dennis Alexander and passed by the following vote the City Council approved the item as presented.

RESULT:	**Approved**
MOVER:	Council Member Dave Pacheco
SECONDER:	Council Member Dennis Alexander
AYES:	Ralph Rubio, Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco
NOES:	None

E. CONSIDERATION OF A THIRD AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT AGREEMENT WITH CSG CONSULTANT, INC. TO PROVIDE BUILDING OFFICIAL OVERSIGHT SERVICES AND TO INCREASE THE NOT TO EXCEED CONTRACT AMOUNT BY $17,500

Action: Approved

F. ADOPTION OF A RESOLUTION DECLARING THE CITY COUNCIL'S INTENT TO REIMBURSE CERTAIN EXPENDITURES FOR THE CITY'S ENERGY PROJECT FROM THE PROCEEDS OF LEASE/PURCHASE FINANCING

Action: Approved and Passed Resolution

G. CONSIDERATION OF A FOURTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH EMC PLANNING GROUP INC. FOR PROJECT MANAGEMENT SERVICES FOR THE PROPOSED MONTEREY DOWNS, MONTEREY HORSE PARK AND CENTRAL COAST VETERANS CEMETERY PROJECT TO INCREASE THE CONTRACT AMOUNT BY $70,165 TO COMPLETE APPLICATION AND ENTITLEMENT PROCESSING

Mayor Rubio invited comments from the public on the item but the Item was mistakenly pulled by the public.

On motion by Council Member Alexander and seconded by Mayor Pro Tem Oglesby and passed by the following vote the City Council approved the item as presented.

RESULT:	**Approved**
MOVER:	Council Member Dennis Alexander
SECONDER:	Council Member Ian Oglesby
AYES:	Ralph Rubio, Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco
NOES:	None

H. CONSIDERATION OF A THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL (FORMERLY RBF CONSULTING) FOR THE MONTEREY DOWNS AND MONTEREY HORSE PARK AND CENTRAL COAST VETERANS CEMETERY SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT TO INCREASE THE NOT TO EXCEED CONTRACT AMOUNT BY $20,000 TO COMPLETE THE FINAL EIR

Mayor Rubio invited comments from the public. Bill Weigle requested assurance that if this is approved, then the EIR should be finished and delivered by July 29th otherwise there will be a penalty of $10,000, he asked if their are additional penalties if they do not deliver and the likelihood the EIR will be released on August 1st.

City Manger Malin responded that there are no additional penalties if not received and the intent of the City is to release the EIR on August 1st. City Attorney Freeman indicated in the unlikely event that it is not delivered, we do not get paid until we have the document, so that is a different penalty. We have every reason to believe it will be complete.

On motion by Council Member Alexander and seconded by Council Member Dave Pacheco and passed by the following vote the City Council approved the item as presented.

RESULT:	**Approved**
MOVER:	Council Member Dennis Alexander
SECONDER:	Council Member Dave Pacheco
AYES:	Ralph Rubio, Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco
NOES:	None

9. BUSINESS ITEMS

A. RESOLUTION AUTHORIZING CITY OF SEASIDE AND MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT FACILITY SHARING MEMORANDUM OF UNDERSTANDING

Recreation Director Towne spoke to the item memorializing an MOU between Monterey Peninsula Unified School District and the City for community shared interests, which will establish practices to use each other's facilities when practical. There is a current MOU but it is antiquated, so it was time to revisit the item and revise. There is no fiscal impact associated with the item. Ms. Towne answered questions from the Council.

Council Member Pacheco asked if the agreement is to be evaluated in the future to find better uses two which Ms. Towne said it is not expressly included however staff can meet with them on a regular basis if there is an issues. He then asked about the District Board meetings, and thanked Dan Albert who was instrumental for making this possible, for the betterment of both groups.

MPUSD Superintendent Difffenbaugh spoke in support of having active communication with the City and reported on the Board decision to open the school grounds for public use after school till dusk and on weekends. They are in the process of ordering signs to clearly mark entrances however organized activities need to follow the process for a facility use permit. Mr. Pacheco presented an idea, speaking to the comments made regarding lack of sports fields, He knows costs to maintain and transform fields are large, and asked if there was a way to cost share field rehabilitation to enhance opportunities for youth, possibly through a joint use project, to which Mr. Diffenbaugh agreed to discuss.

Mayor Rubio invited comments from the public.

- Helen Rucker spoke to having a great partnership in the past between the District and the City and said she was happy to see this item and is in support of the playground openings for the neighborhoods.
- Miriam Smith spoke in support of opening up the facilities to the community.
- Felix Bachofner spoke in support of the shared use and questioned the contract terms, specifically the indemnification language, expressing concern with the clause regarding resolving differences.
- Gurtrude Smith is glad Seaside and the District are going to take this opportunity to open the

playgrounds to extended use. It's a good outlet for kids that otherwise would be bored. There are ways to keep things nice. She will brainstorm how to keep it informed on school property.

- Shari Hastey expressed appreciation to the District for their partnership with CPY,as they provide the facilities and the low income lunch program. She spoke to the District efforts to serve Seaside community, including a buss to bring kids back to Seaside from Colton school after the program.

Mr. Diffenbaugh spoke in support of Mr. Malin's efforts to make progressive changes. He appreciated his can do attitude, quick response and thinking outside the box.

On motion by Council Member Alexander and seconded by Council Member Dave Pacheco and passed by the following vote the City Council approved the item as presented.

RESULT:	**Approved**
MOVER:	Council Member Dennis Alexander
SECONDER:	Council Member Dave Pacheco
AYES:	Ralph Rubio, Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco
NOES:	None

B. RECEIVE PRESENTATION, DISCUSS AND AUTHORIZE RELEASE OF REQUEST FOR PROPOSAL FOR MIXED-USE DEVELOPMENT ON MAIN GATE SITE

City Manager Malin provide a presentation on the item, speaking to the previous history of the project citing the previous plan suffered from two challenges. First the market has moved and second, the property it's inaccessible. Mr. Malin explained that CSUMB controls access to the property and through positive discussions with CSUMB, and the MOA that was approved previously which outlines the design parameters for gaining access, it restructures the partnership to be mutually supporting each other. Within the MOA, when this property gets developed 20% of commercial activity will support scholarship opportunities for Seaside youth. Also, he spoke to the FORA RUD guidelines that have been released. Staff expects the specific plan will have to be amended to be consistent with regulations that have changed since adoption, Additionally EIR mitigations will remain in effect, as well as the CSUMB Master plan and current market conditions are such that there are multiple visitors are interested in the property. Mr. Malin believes it is a mixed use development opportunity that will be bed and university friendly, hotel/retail/office/residences above retail and offices. In closing he spoke to the timeline, detailing the release of the RFP is anticipated for the 25th of July and the final recommendation is anticipated to be before the Council by December. Mr. Malin answered questions from the Council.

Council Member Pacheco questioned how much flexibility there is with the possible developments to which Mr. Malin described the elements outlined in the specific plan provides flexibility to what the definition of mixed use is, but the ideals of the community will come back to us by way of multiple proposals that the City can chose from. He also spoke to the unique benefit that we have with having growing university and have a once in a lifetime time to develop a campus town with high end retail. He said the plan as it exists, optimizes the square footage, but in this type of development, you determine how much building mass can you support in the market place compared to surface parking. The potential introduction of mixed use, may reduce the need for such parking.

Mayor Rubio invited comments from the public.

- Sue Hawthorne questioned the current ownership of the land and would this be in the city of seaside or the CSUMB campus. There is a strong need for civilizing influence that is missing and having something like this at the front gate would be beneficial.
- Bill Weigle spoke to interactions with students at CUSMB, and a common theme is there is

nothing in Seaside for students and encouraged the city to get the students involved to have input about what types of development they would like.

- Kay Cline liked putting this out to developers with the City's vision as a University Town and tightening up relationships with CSUMB and FORA is a great idea.
- Helen Rucker spoke to the other development projects at the site and requested they be congruent.
- Sinead Morrow requested that CSUMB staff be able to afford to live in the housing and questioned if the retail space will be affordable for local businesses.
- Felix Bachofner spoke to previous conversations with CSUMB and their history of concerns. He said this is the single greatest development opportunity in Seaside and it's important that we get this right. He questioned why he cannot see the RFP and requested the Council direct staff to prepare the RFP and don't circulate until they see it.

Mr. Malin answered questions presented during public comment. It is all within Seaside. Yes, he envisioned student involvement including on the review panels. Affordability, would have meet Seaside's requirements on affordability, but would be cautious about believing that this piece of property would be a place where affordable commercial rents. This land needs to be strong on its own just like the downtown, revitalization. he was provided a draft RFP from 2010 that never was released. He is happy to provide the council the opportunity to review, but ensures he has spoken to all of the elements, including a timeline. He's open to the council's direction. Mr. Malin answered questions from the Council.

The Council Members indicated they were comfortable with not needing to see the RFP. Mayor Rubio spoke to the history of the project and is excited about moving forward and has confidence in the City Manager. He is anticipating how closely the developers respond to the City's vision and spoke in support of the flexibility of the market and the proposal reflecting that flexibility.

On motion by Council Member Alexander and seconded by Council Member Dave Pacheco and passed by the following vote the City Council authorized the City Manager to release the Request for Proposal for mixed use development on the Main Gate site.

RESULT:	**Approved**
MOVER:	Council Member Dennis Alexander
SECONDER:	Council Member Dave Pacheco
AYES:	Ralph Rubio, Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco
NOES:	None

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

City Manager Malin reported on the previously approved staff reorganization and to his next plans for the renovation and reorganization of the City Hall building. He presented an outline of the organization of staff and the building modifications, including ADA accessibility. Council Member Campbell spoke to the 4th of July parade event and reminded the Public he is hosting a town hall style event on the third Tuesday of July and asked that he be contacted through is email if interested. Council Member Alexander spoke about the first anniversary of the Seaside Parks association, and thanked Mr. Malin and Deputy Chief Lumpkin for being at the meeting. He reported right now there are 26 parks, in Seaside, and only 6 are represented by the association. He closed by thanking City Attorney Freeman for talking to the NIPC regarding the brown act and that the other commissions should get the same presentation. Council Member Pacheco reported the Boys and Girls club appointed Dr. Michael Jackson as the new CEO and spoke to the anniversary of the Pachetti Dog park. and spoke to the positive comments that come from outside the community about the park. He announced that Sunday Blues begins this Sunday. Mayor Pro Oglesby reported that the Main Gate site will be the first opportunity for the public to see the RUDG that has been developed and it's very important. He then said he believes that it is time that the City begins to help with the maintenance of Pachetti park. He spoke in support of the Mayor's comments about the need for balancing the residents anticipation of celebration and others safety issues regarding fireworks and spoke to the comments about RV trailers regulations questioning clarification if there is a caveat about those with business licenses or permits. Soccer fields, should have been addressed with the MOU, but asked city staff to pay special attention to the soccer league and help them get through the system to be able to use the facilities. He spoke to the weed abatement issue, sometimes on city property, sometimes on private, and requested the City Manager come back with a plan that systematically goes street by street to document a maintenance plan for removal of weeds. Finally he wanted thank Ms. Ingersoll for her service for him and the community. Mayor Rubio spoke to the contracts for the Pure water Monterey project that is moving forward. He thanked the participants in the 4th of July parade, the armed forces and the ROTC program, it's a connection of the community coming together.

11. **ADJOURNMENT**

The meeting was adjourned at 9:37 PM.

Respectfully submitted,

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Lesley Milton-Rerig, City Clerk	**Ralph Rubio, Mayor**

DRAFT MINUTES

CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
COUNCIL CHAMBER
Thursday, June 2, 2016
7:00 PM

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1. **CALL TO ORDER**
Mayor Rubio opened the meeting at 7:00 PM.

2. **ROLL CALL – ESTABLISHMENT OF QUORUM**
PRESENT: Alexander, Campbell, Oglesby, Pacheco, Rubio
ABSENT: None

3. **REVIEW OF AGENDA**
No changes were requested.

4. **PUBLIC COMMENTS**
Mayor Rubio invited comments from the public.

- Helen Rucker spoke to the Joint Special Meeting Agenda Item concerning the Season's Management development and spoke in support of adding this type of care facility in Seaside so that elderly residents don't have to leave the community. She commented on the passing of Mr. Otis Martin. She also reminded the Council, in Ruthie Watt's absence, about the NAACP scholarship fund and encouraged the leaders to congratulate the scholarship recipients.
- Christine Montief spoke about the Monterey Downs project citing the horse racing part is a small aspect, but the events venue will be the largest in the area, the housing will be new and affordable, spoke to the support of the CSUMB Equine program and the pending aquatics center that will have an Olympic sized pool.
- Ray Dandridge disagreed with the statement that no one in Seaside wants the Monterey Downs project because he knows there are many that do support it. He spoke in support of the project and suggested that the name of the project be changed to East Seaside.
- Hanna indicated that she is frustrated because she did not get a response to her request to have police services. She spoke to getting locked out of her residence and spoke to another resident posting signs on her own residence against her. She requested the Council's assistance.

5. **INVOCATION AND PLEDGE OF ALLEGIANCE**
Elder Areaseal "Slim" Sims from Christian Memorial Tabernacle will led invocation.

6. **PUBLIC AGENCY COMMUNICATIONS**
Jeff Lindenthal from the Monterey Regional Waste Management District was pleased to report on the third annual one day Hazardous Waste Disposal Collection Event to be held June 25th at Monterey Peninsula College. He noted it was a convenient opportunity to drop off HHW for residents.

7. **PRESENTATIONS**

A. **PRESENTATION OF THE MAY 2016 HOUSE OF THE MONTH AWARD**

Mayor Rubio and Ray Bennett, NIP Commissioner honored the residents at 570 Amador Avenue.

B. PRESENTATION REVEALING THE REVISED CITY OF SEASIDE WEBSITE AND NEW SOCIAL MEDIA PROGRAM

City Clerk Milton-Rerig presented to the City Council and the public the newly unveiled City of Seaside website which would be replace the existing website the following day. She discussed the new navigation and features and different options that provide information and services to residents and visitors alike. Ms. Milton-Rerig identified and thanked the staff that assisted with the project.

C. RECIEVE AFTER ACTION REPORT ON CITY ALL EMPLOYEE IN SERVICE DAY

Fire Chief Brian Dempsey reported the after action results of the All Employee In Service Day. He spoke to the benefits of the day and the feedback that was provided from staff. More than 130 employees were present and survey results indicated there was overwhelming support that the day was beneficial personally and professionally and that the event should be held again. Chief Dempsey answered questions from the Council.

Mayor Pro Tem Oglesby spoke to his brief attendance at the event and spoke in support of the event and future similar event efforts. It looked like a team building exercise and supported doing the event annually. Mayor Rubio spoke to the organizational communication that makes our organization stronger.

8. CONSENT CALENDAR

A member of the public requested to discuss Item F.

Mayor Rubio invited comments from the public.

- Felix Bachofner expressed concerns regarding the retirement announcement and that his comments relate to three areas. First Chief Myers has been here 6 years, and questioned the CAL PERS impact and if it was a fair cost to be borne by the City of Seaside, expressed concern regarding the home loan and asked the status of the investigation that was undertaken and what was the result.

City Attorney Freeman responded that the investigation report has been completed and because it deals with personnel action, it is not a public record and the only way to access is to file a motion in court. City Manager Malin responded that the remaining questions are addressed in the staff report.

There were no questions from the Council.

On motion by Council Member Alexander and seconded by Mayor Pro Tem Ian Oglesby and passed by the following vote the City Council approved the consent calendar as presented.

RESULT:	**Approved**
MOVER:	Council Member Dennis Alexander
SECONDER:	Mayor Pro Tem Ian Oglesby
AYES:	Ralph Rubio, Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco
NOES:	None

A. APPROVE MINUTES OF MAY 19, 2016 REGULAR MEETING

Action: Approved

B. APPROVE AND FILE CITY CHECKS

Action: Approved & Fi

C. **ACCEPT AND FILE THE CASH AND INVESTMENT REPORT FOR THE CITY OF SEASIDE FOR THE QUARTER ENDED MARCH 31, 2016.**

Action: Accepted

D. **APPROVE RESOLUTION AWARDING A CONTRACT TO GARLAND/DBS, INC. IN THE AMOUNT OF $272,775 FOR CONSTRUCTION OF NEW LIBRARY ROOF.**

Action: Approve and Adopted Resolution 16-48

E. **AUTHORIZE RESOLUTION APPROVING AGREEMENT WITH RESTORATIVE JUSTICE PARTNERS INC. FOR SERVICES TO CENTRAL COAST HIGH SCHOOL, COMMUNITY DAY SCHOOL AND ALTERNATIVE SCHOOL FOR A TOTAL COST NOT TO EXCEED $35,700 WITH ALL COST TO BE REIMBURSABLE UNDER THE CAL GRIP GRANT.**

Action: Authorized & Adopted Resolution 16-48

F. **APPROVE A RESOLUTION AUTHORIZING A RETIREMENT INCENTIVE PROGRAM FOR THE CHIEF OF POLICE**

Action: Adopted Resolution 16-49

9. PUBLIC HEARING

A. **CONSIDER A FIRST READING OF AN ORDINANCE TO AMEND CHAPTER 8.28 OF THE SEASIDE MUNICIPAL CODE FOR ITEMS RELATED TO THE CITY'S FRANCHISED GARBAGE COLLECTION SERVICES *(FIRST READING)***

Deputy City Manager Administrative Services Hodgson presented the report, speaking to the process of development of the Joint Franchise agreement as part of a municipal code clean up as the the code proposed will now match the franchise agreement as approved. The Chapter will update language for the following sections: construction and demolition, comingled recycling, changed low-income senior rates grandfathering those who currently have the rate, and new seniors will have to qualify as a low income senior to get the rate and other authorized haulers. Ms. Hodgson introduced Rob Hilton, waste contract consultant was present to answer any questions from the Council.

Mayor Rubio invited comments from the public and had no requests to speak.

Council Member Campbell spoke in support of items that are addressed such as the requirement to remove their bins from the street curb in a reasonable time, and other requirements that will help clean up the look of our City.

On motion by Council Member Alexander and seconded by Council Member Pacheco and passed by the following Roll-Call vote the City Council passed to print the draft ordinance amending Chapter 8.28 of the Seaside Municipal Code for items related to the City's Franchised Garbage Collection Services.

RESULT:	**Approved**
MOVER:	Council Member Dennis Alexander
SECONDER:	Council Member Dave Pacheco
AYES:	Ralph Rubio, Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco
NOES:	None

B. **CONSIDER ADOPTION OF A RESOLUTION APPROVING GARBAGE COLLECTION RATES FOR FISCAL 2016-2017**

Ms. Hodgson continued the presentation and in accordance with the franchise agreement, she reported the rates can be adjusted annually therefore GreenWaste has proposed a rate adjustment as allowed. Mr. Hilton reported that he analyzed the proposals for accuracy and appropriateness and it met all of the criteria. Ms. Hodgson felt that the best rate adjustment, as recommended, to reduce the residential customers' rate by 1.9% for next year, commercial service costs will go up by .6% and there will be a 4% increase in roll-off services. The roll-off services minimally impacts the residential customer. Mr. Hilton and GreenWaste representatives were present for questions.

On question, Mr. Hilton indicated If you blend all of the sectors together its a .02% increase to the customers. The roll-offs and the commercial customers will bear most of the costs. Council Member Campbell requested consideration of keeping City costs business friendly. Mr. Hilton spoke to the generation of the increase percentages as prescribed in the franchise agreement. The successful recycling has helped keep the costs down. Council Member Pacheco spoke to the additional costs that can be charged for extra services, where Waste Management did not charge. Mr. Hilton responded that you do have the new fees in the contract, and if WM had gotten the new contract, they would also have incorporated those fees as well, as their old agreement just has not been modified.

Mayor Rubio invited comments from the public on this item.

- Ms. Rucker spoke in support of the successful recycling behavior, but is concerned about the independent recycling that may impact the costs, but mostly, the mess that is made by them. She questions if there is anything that can be done about it.
- Gertrude Smith thanked Ms. Rucker for her comment as she was not aware of the issue of litter and spoke to her ideas to help mitigate in her own neighborhood.
- Miriam Smith spoke to independent recycling being done by the poor so she suggested instead of criminalizing, put an extra bag out there so they don't have to dig through it.
- Felix Bachofner agreed but also suggested when we get the new cans, perhaps a sign can be integrated or a sticker placed on all cans regarding the anti-scavenging. Maybe a suggestion to ask GreenWaste for when it is cost disadvantageous.

Ms. Hodgson responded that it is illegal for independent recycling but it is challenging to enforce. Mr. Hilton spoke to the ordinance that was just passed that included an anti-scavenging ordinance but it is up to the City for enforcement. Council Member Alexander did clarify that scavenging is theft and can be cited.

On motion by and seconded by Council Member Jason Campbell and passed by the following vote the City Council passed Resolution 16-50 adopting the new garbage collection rates adjustment for FY 16-17

RESULT:	**Approved**
MOVER:	Council Member Dennis Alexander
SECONDER:	Council Member Jason Campbell
AYES:	Ralph Rubio, Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco
NOES:	None

10. RECESS CITY COUNCIL MEETING AND RECONVENE CITY COUNCIL/SUCCESSOR AGENCY JOINT SPECIAL MEETING

The meeting was adjourned and the Joint Special Meeting reconvened at 8:27 PM.

11. PUBLIC HEARING

A. CONDUCT A PUBLIC HEARING AND CONSIDER ADOPTION OF A RESOLUTION APPROVING THE 2016-2017 GENERAL AND OTHER FUNDS OPERATING BUDGET, CAPITAL OUTLAY BUDGET, CAPITAL

IMPROVEMENT BUDGET, POSITION CONTROL LIST AND SALARY SCHEDULE, THE APPROPRIATIONS LIMIT, THE CAPITAL IMPROVEMENT PLAN, AND SET THE RESERVE AMOUNTS AND AUTHORIZE STAFF TO TAKE ACTIONS AS NECESSARY FOR BUDGET IMPLEMENTATION

City Manager Malin presented the report beginning with informing the Council of the staff members have opted to take the retirement incentive program resulting in positive ramifications to the budget situation, bringing the final budget into alignment and generating a surplus. Deputy City Manager Administrative Services Hodgson presented the proposed budget preview including the adjustments made since the May 19th meeting presentation.

She spoke to the 2017-18 budget preview with an estimated revised imbalance of $1.02 Million deficit even with the three retirements. Yet the proposed budget for 2016-17 has been modified to include the retirement savings of $470,000, resulting in a $65,000 surplus and she spoke to previously eliminated items added back into the budget. In summary, the 16-17 budget is balanced, incorporating the retirement incentives, Police and Fire budgets are increased, the reserves are headed in a positive direction, and that diversification options will be taken up in the near future therefore staff recommended approval of the budget. Ms. Hodgson answered questions from the Council.

Council Member Campbell questioned the enterprise funds, including the imbalance to the water, which staff responded will be brought forward at a later date.
Council Member Pacheco questioned the cost of living imbalances, and how much revenue do we receive from Measure R, to which staff responded up to $3.5 million, and has held as a steady revenue source for us over time. He then asked how many officers we have including those attending the academy to which staff indicated there are 40 sworn officers, 1 in the academy and 3 vacancies. He asked if their are any concerns with communication effectiveness to which she responded there are issues with the 911 communication towers, and we are in contract with a testing to find the issues. Mayor Pro Tem Oglesby asked what the issue is with filling positions for police officers and clarified that if the budget is approved, it adds one more Officer position to the budget.

Mayor Rubio invited comments from the public and opened the public hearing.

- Felix Bachofner congratulated the Council on the first structurally balanced budget in a long time. He expressed concern with future budget with the needs being pushed down the road as deferred expenses that will affect the services provided to residents. He also suggested reallocation of funds to the different reserve accounts.

Mayor Rubio indicated the City Manager will provide a budget update at mid-year.

Council Member Campbell thanked staff to bring in a balanced budget, but he still thinks there are places that can be cut and saved. He is not pleased with the legislative expenditures, the Water Authority and state lobbyist expenses for example, are not helping the citizens. Turning off the lights on General Jim Moore, putting roundabouts instead of traffic lights are ideas and requested staff look for cost efficiency. Council Member Pacheco commended staff for efforts and that there are things he disagrees with, but the bottom line is he can agree with what was presented at this time. Mayor Pro Tem Oglesby also appreciated staff, but going forward we have to focus on economic development, and keep talking about the stormwater maintenance fund. The Mayor asked where the excess funds will be placed to which the Council agreed to use the regular formula for distribution.

On motion by Mayor Pro Tem Oglesby and seconded by Council Member Campbell and passed by the following vote the City Council adopted the 16-17 budget and and using our formula, divide the surplus funds $65,687 between the emergency reserve and the special reserve, approving the *general and other funds operating budget, capital outlay budget, capital improvement budget, position control list and salary schedule, the appropriate limit capital improvement plan and set the reserve mounts as presented.*

RESULT:	**Adopted**
MOVER:	Mayor Pro Tem Ian Oglesby
SECONDER:	Council Member Jason Campbell
AYES:	Ralph Rubio, Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco
NOES:	None

12. ADJOURN CITY COUNCIL/SUCCESSOR AGENCY JOINT SPECIAL MEETING AND RECONVENE CITY COUNCIL REGULAR MEETING

The Mayor reconvened the Regular Meeting at 10:09 PM and all members were prese

13. BUSINESS ITEMS

A. REVIEW, DISCUSS, CONDUCT A PUBLIC HEARING, AND CONSIDER ADOPTION OF A RESOLUTION TO APPROVE THE PROPOSED 2016-2017 FEE SCHEDULE

Reconvened the meeting at 10:10 PM.

Deputy City Manager Hodgson spoke to the previous approved process to use the standard CPI index 2.6% approved for this year, and was applied to all fees within the City, except two, in the Recreation program, the senior lunch program, which converted to a standard fee. Ms. Hodgson reminded the Council the purpose is to stay in line with the cost of living fees and not end up with an imbalance with the cost of providing services and the fees to pay for them. Ms. Hodsgson answered questions from the Council.

Council Member Pacheco spoke to the cost threshold for customers and businesses where they find thing to be no longer cost effective, mostly related to recreation services. How close are those fees to going over the line discouraging participating, which ends with a lost of revenue? Recreation Director Towne spoke to the cost recovery policy implemented in 2013 that there has to be a balance between demand, costs of service, historical data and usage to determine how high the costs can go. The Council requested clarification of why the San Francisco CPI is used, to which she indicated it is the closest index to our geographic region.

Mayor Rubio invited comments from the public.
Felix Bachofner spoke to it being cost ineffective to have cost data for more areas than it does. Each index exerts weight on pricing pressure. He echoed Council Member Pacheco's comments that there are fees that are dissuasive for people to maintain properties and improve them. Not suggesting eliminating the fees, but potentially implement fee waivers from time to time.

The Council did discuss incentive programs but it need to be analyzed.

On motion by and seconded by Council Member Jason Campbell and passed by the following vote the City Council approved the item as presented.

RESULT:	**Approved**
MOVER:	Council Member Dennis Alexander
SECONDER:	Council Member Jason Campbell
AYES:	Ralph Rubio, Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco
NOES:	None

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

On motion, the meeting was extended past 10:30.

Council Member Campbell reported The Mac Superstore is closing down tomorrow because they did not get the foot traffic they are looking for. The WBUV plan needs to get moving, including the bonds that need to be spent. If we can double down to make the program go forward, it should be prioritized. He made a standing request that the Council get the balance sheet for the trust funds for the developers on a regular basis, for the development trust funds, at each Council Meeting. Mayor Pro Tem Oglesby spoke to the candidate interviews and is excited to bring on the Youth Violence Prevention Manager.

15. ADJOURNMENT

Respectfully submitted,

Lesley Milton-Rerig, City Clerk	**Ralph Rubio, Mayor**

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.B.

TO: City Council

FROM: Craig Malin, City Manager

BY: Daphne Hodgson, Deputy City Manager Administrative Services
Krista Oberholtzer, Accounting

DATE: July 21, 2016

SUBJECT: **APPROVE AND FILE CITY CHECKS**

PURPOSE

It is requested that the City Council approve and file the accounts payable and wired payments made during the period of June 28, 2016 through July 11, 2016. In addition, approval of the payroll and benefits checks, direct deposits and wired payments related to the period of July 7, 2016 is requested. Total Account Payable and Payroll for the above referenced period is $3,187,979.77.

RECOMMENDATION

It is recommended that the City Council approve and file the attached checks.

BACKGROUND

In accordance with Government Code Section 37208, at each City Council meeting the Council is provided a listing of the payroll and general checks issued since the last report so that it can inspect and confirm these checks. Each purchase has been reviewed and approved by the department making the purchase at the time of procurement. The invoice has been reviewed by the Finance Department prior to payment to ensure that it conforms to the approved budget.

Therefore, in accordance with Government Code Section 37208, I hereby certify that the above referenced, and linked, list of checks conforms to the approved budget and has been paid. These checks are hereby submitted to the City Council for inspection and confirmation.

A description of the checks and wires exceeding $10,000 are as follows:

- $130,860.49 to York Insurance Services Group for checks paid 7405 - 7424;
- $60,505.22 to PNC Equipment Finance, LLC for PD vehicles lease;

- $1,608,712.00 to California JPIA for 2016-17 annual contribution;
- $19,604.48 to California-American Water for monthly utility services;
- $14,044.59 to Community Partnership for the Cal Grip grant reimbursement;
- $25,163.45 to Raimi & Associates, Inc. for General Plan update;
- $71,235.75 to The Dore Group for March 2016 appraisal progress payment;
- $33,435.35 to Tracnet for annual maintenance.

The remaining checks, totaling $159,565.06, include payments to vendors for operating expenditures.

The Checks report is available on the City's Website here:
http://www.ci.seaside.ca.us/194/Check-Draft-Register

FISCAL IMPACT

The listed checks have been budgeted and paid from the various funds, as appropriate.

ATTACHMENTS

Reviewed for Submission to the
City Council by:

____
Craig Malin, City Manager

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.C.

TO: City Council

FROM: Craig Malin, City Manager

BY: Roberta Greathouse, Human Resources Director

DATE: July 21, 2016

SUBJECT: **RESOLUTION ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SEASIDE AND THE SEASIDE FIREFIGHTERS' ASSOCIATION**

PURPOSE

The purpose of this item is to request the City Council approve a resolution adopting the Memorandum of Understanding (MOU) with the Seaside Firefighters' Association which has agreed to the terms of the proposed agreement.

RECOMMENDATION

It is recommended that the City Council approve the resolution adopting the Memorandum of Understanding with the Seaside Firefighters' Association.

BACKGROUND

The Seaside Firefighters' Association represents individuals employed by the City in the classifications of Firefighter, Fire Engineer, and Fire Captain. In April, the City and the Association began meeting and conferring to discuss items for the MOU expiring June 30, 2016. From the start, the tone of the negotiations was positive and professional as the parties discussed matters of mutual interest including reasonable salary adjustments, sharing of the City's contributions to the California Public Employees' Retirement system, the elimination of the requirement that the City conduct annual promotional examination in the absence of vacancies, and various MOU clean up items.

The City and Firefighters' Association have reached a comprehensive agreement. The success of these negotiations was based on the approach the parties agreed upon at the outset, which was a commitment to negotiate in good faith and to have open, honest, and productive discussions. Though the parties at times disagreed, the mutual respect demonstrated by all members aided in reaching resolution on the successor contract.

The key provisions of the agreement between the City Manager's and Fire's representatives are:

1. Term: 12 months expiring June 30, 2017
2. Salary: 4% increase effective July 2, 2016 and 3% increase effective January 14, 2017
3. Employee PERS Contribution: Effective January 14, 2017, all bargaining unit members will pay 3% of the City's contribution to CalPERS.
4. MOU "Attachment A" which required regular promotional examinations is eliminated.

FISCAL IMPACT

The cost of this package in Fiscal Year 2016/2017 is approximately $116,000. In preparing the Adopted Budgeted, staff anticipated and included $111,000 for salary adjustments.

Although the budget savings from the elimination of the promotional testing is minor (approximately $1,000 annually), the staff time to prepare and conduct the exam, and the impact on other agencies that contribute proctors to assist with the process, is substantial.

It's anticipated that the additional $4,000 will be absorbed by other budget savings.

ATTACHMENTS

1. Resolution
2. Fire MOU

Reviewed for Submission to the
City Council by:

Craig Malin, City Manager

RESOLUTION NO. 16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SEASIDE AND THE SEASIDE FIREFIGHTERS' ASSOCIATION

WHEREAS, pursuant to the provisions of the Meyers-Milias-Brown Act (Section 3500 et. seq., Government Code), representatives of the City Manager of the City of Seaside and the Seaside Firefighters' Association, have met and conferred in good faith regarding wages, and other terms and conditions of employment; in an attempt to reach a Memorandum of Understanding (MOU); and

WHEREAS, the Seaside Firefighters' Association, and the representatives of the City Manager of the City of Seaside have reached agreement with respect to matters herewith jointly set forth, and have developed a written understanding of such matters for the purpose of presenting it to the City Council of the City of Seaside for its determination.

NOW, THEREFORE, BE IT RESOLVED, that the attached Memorandum of Understanding shall be effective as stated therein; and

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 21th day of July 2016, by the following vote:

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

APPROVED:

____
Ralph Rubio, Mayor

ATTEST:

____
Lesley Milton-Rerig, City Clerk

Memorandum of Understanding Between the City of Seaside And The Seaside Firefighters' Association

July 1, 2016 –June 30, 2017

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY MANAGER OF THE CITY OF SEASIDE AND THE SEASIDE FIREFIGHTERS' ASSOCIATION

July 1, 2016 – June 30, 2017

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY MANAGER OF THE CITY OF SEASIDE AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 1218

July 1, 2016 – June 30, 2017

We, the undersigned, duly appointed representatives of the City of Seaside and of the International Association of Firefighters Local 1218, a recognized employee organization, hereinafter referred to as "City" and "Association", having met and conferred in good faith in accordance with the Meyers-Milias-Brown Act, (government Code Section 3500 et. seq.) do hereby jointly prepare and execute the following written Memorandum of Understanding. It is understood that the provisions herein set forth supersede previous Memoranda of Understanding between the City and the Association. All items not expressly modified or changed by the MOU shall remain in effect during the term of the MOU except those items that no longer apply. All provisions of the MOU as stated within and other benefits enjoyed by the membership shall remain in effect until this MOU is modified through Meet and Confer.

SECTION 1: TERM

The provisions of the Memorandum of Understanding shall become effective July 1, 2016, and shall remain in effect for a period, terminating on June 30, 2017.

SECTION 2: SALARY AND ADMINISTRATION OF PAY PLAN

A. Direct Pay for Services:

1. Salary Adjustments:

    a. Effective the first full pay period following July 1, 2016, a four percent (4%) base salary increase will be provided to all bargaining unit members.
    b. Effective the first full pay period following January 1, 2017, a three percent (3%) base salary increase will be provided to all bargaining unit members.

2. Longevity Pay:
    a. Bargaining unit members with 15 years of continuous City service will receive 2.5% longevity pay.

    b. Bargaining unit members with 20 years of continuous City service will receive 5% longevity pay (maximum of 5%). (Note: The 15-year longevity pay would not compound or stack and therefore the maximum possible total for longevity pay is 5%.)

c. Current bargaining unit members with more than 10 years of City service, but less than 15, will continue to receive the 2.5% longevity pay they are receiving now. Employees receiving longevity pay under this paragraph are not eligible for additional longevity pay until 20 years of continuous City service.

B. Overtime:

1. Pre-Approval:

   Requests for overtime that can be scheduled should be pre-approved by the Department Head or designee. Overtime not possible to schedule in advance and necessary for public safety and welfare shall be worked at Department Head discretion, subject to City Manager review.

2. Minimum Overtime Guarantee (Emergency Call Back):

   When an employee is called back to work on an emergency basis, the actual time worked, with a minimum of four (4) hours, shall be earned.

3. FLSA Calculation:

   All employee overtime shall be earned in increments of one-half (1/2) hour and will be compensated for at the rate of time and one-half (1-1/2) in cash at the employee's established rate of pay, at the discretion of the Department Head. The City will not deduct credited FLSA (Fair Labor Standard Act) hours when represented employees use accumulated hours in the form of vacation, sick leave, compensated time off, personal leave time off, or bereavement leave. City will pay the FLSA hours without regard to represented employee use of accumulated benefit/leave times.

4. Shift Work Overtime:

   Fire Department personnel assigned to shifts shall be compensated for overtime in the following manner:

   a. When called back to work a shift because of the absence of a person regularly assigned to that shift, the pay shall be computed by dividing the employee's annual salary by 2912 hours. This figure shall be prorated for any portion of such shift and paid of such shift and paid at time and one-half.

   b. Whenever in the judgment of the Fire Chief or his designated representative, an employee is required to work in excess of his/her regular work week or regular work day, he/she shall be compensated for such overtime work at the rate of one and one-half (1 ½) times the hourly regular rate of pay for his/her classification. (Hourly rate is based on a 56 hour work week). The regular rate of pay is the individual's base pay plus incentives.

c. Form of Compensation. An employee who works overtime and who is thus eligible for overtime compensation shall receive overtime compensation in the form of cash or compensatory leave subject to the following provisions.

   i. Maximum Accumulation: Compensatory time which is allowed to accumulate, will be up to 144 hours. Compensatory time shall be calculated by multiplying the overtime hours worked by 1.5 times to reach the number of compensatory time hours. Said time off may only be used when said employee is normally on duty with staffing to be minimum staffing plus one person. Approval to use compensatory time shall be at the discretion of the members' supervisor.

   ii. Minimum Overtime Guarantee. An employee represented by IAFF who is called back to work after he/she has completed his/her regular shift and has left his/her related court appearance of off-duty hours shall be compensated for a minimum of four (4) hours overtime. It is expressly understood that an employee who works overtime rate (including court appearances) immediately prior to or subsequent to his/her regular shift shall be compensated at the overtime rate of pay for the time actually worked with no minimum number of hours of overtime guaranteed. (Hourly rate for IAFF is based on a 56 hour work week).

5. Sell Back Option:

   Bargaining unit members may sell back compensatory time not used up to a maximum of 60 hours per year. Employees wishing to sell back leave must notify Finance by September 15 of each year and payoff will occur the first pay period of November.

C. Special Assignment Compensation:

1. Fire Prevention Inspector:

   a. Effective on the date of appointment to the special duty assignment for Fire Prevention Inspector, a two and one-half percent (2.5%) pay adjustment will be made to the employee's base pay.

   b. Term: The assignment will be limited to three personnel for a period of two years, and consecutive appointments are possible if the selection process warrants such.

   c. Removal from Assignment: With cause, the Department Head may remove any person filling this position. Removal of person(s) from this assignment will not be considered a disciplinary action.

d. These personnel will be selected based on having achieved a minimum certification of Fire Prevention Officer I as recognized by the standards established by the Office of the California State Fire Marshal.

e. These personnel will be selected based on a competitive process from the candidate pool established in paragraph (d) above.

2. Spanish Bilingual Skill Pay:

A two and one-half percent (2.5%) pay adjustment will be made to the employee's base pay for Spanish bilingual skill as tested by the City in conjunction with the Defense Language Institute standards.

3. Out of Class Compensation:

   a. For employees represented by IAFF, a pay increase not to exceed one step, (five percent), may be paid to an employee assigned to fill a temporarily vacant position. The determination of vacancy will be made by the Fire Chief.

   b. An out-of-class assignment will not be made in any case unless the vacancy is the result of sickness, injury, resignation, or termination.

   c. The out-of-class assignment will not be made for vacancies caused by vacation.

   d. The increase in pay will not commence until the 31st calendar day following the out-of-class assignment. The out-of-class compensation will be paid to individuals filling the vacancies as determined by the Fire Chief.

4. Hazardous Materials Response Team:

   a. A differential of 5% will be paid to an employee assigned to the Hazardous Materials Team by the Fire Chief. There will be a maximum of 4 team members per shift, for a total of twelve (12) team members in the Department.

   b. Removal from the team or the removal of the pay differential will not be considered disciplinary action.

   c. Continuation of Hazardous Materials Differential Pay is contingent on reimbursement for the cost of Hazardous Materials Response services from Monterey County. Termination of the agreement between the City of Seaside, Monterey County, and the City of Salinas will terminate this differential pay.

d. Hazardous Materials Differential Pay will end on June 30, 2017 unless extended or terminated earlier per item (c) above.

D. Administration of Pay Plan:

1. Anniversary Date:

   a. The anniversary date for each employee is the date he/she is hired, reclassified, or promoted

   b. The anniversary date of any employee shall be adjusted, changed, in the case of a leave of absence, by moving said anniversary date forward a time equal to the length of such leave of absence, except family care and medical leave, according to the California Family Rights Act and military leaves of absence in accordance with the California Military and Veterans Code and Title 38, chapter 43, U.S. Code. Whenever any employee is absent from work without pay for any period exceeding thirty (30) continuous days, the anniversary date of said employee shall be adjusted by moving said anniversary date forward a time equal to the length of absence from work.

   c. Any employee who has served for one (1) year or more and takes leave of absence for purposes of military service in excess of the time defined as "temporary military leave," as defined by the Military and Veterans' Code, shall upon return to employment with the City, have their anniversary date adjusted by moving said date forward a length of time equal to the number of days absent from employment due to exceeding "temporary military leave," provided, however, said employee returns to work for the City within ninety (90) days of his/her discharge or release from military service.

   d. The anniversary date of any employee shall be adjusted by moving said date forward a time equal to any delay in movement through the steps of the salary range put forth in the Section below.

2. Salary Ranges

   The five (5) steps of each salary range shall be interpreted and applied as follows:

   a. The first step is the minimum rate and shall normally be the hiring rate for the class. In cases where it is difficult to secure qualified personnel, or if a person of unusual qualifications is engaged, the City Manager may hire at a higher step.

   b. The second step is the rate at which a fully qualified, experienced, and conscientious employee may expect to advance to following the completion of six (6) months satisfactory service in the first step and upon written recommendation of Department Head and approval by the City Manager.

c. The third step is the rate at which a fully qualified, experienced, and conscientious employee may expect to advance to following the completion of twelve (12) months satisfactory service in the second step and upon written recommendation of Department Head and approval by the City Manager.

d. The fourth step is the rate at which a fully qualified, experienced, and conscientious employee may expect to advance to following the completion of twelve (12) months satisfactory service in the third step and upon written recommendation of Department Head and approval by the City Manager.

e. The fifth step is the rate at which a fully qualified, experienced, and conscientious employee may expect to advance to following the completion of twelve (12) months satisfactory service in the fourth step and upon written recommendation of Department Head and approval by the City Manager.

f. Notwithstanding, the foregoing provisions of this Section, an employee who is promoted or reclassified from one classification to a higher classification, or from a flat salary to a classification having a higher overlapping salary range, shall be adjusted:
   i. To the step in their new range, which shall provide an increase in his/her salary, except that they shall not retain credit for the time served in his/her former step. In the Fire Service, if an employee is promoted from one rank to another, that employee shall be placed at a step to ensure at least a 2½% increase with respect to gross salary. If the step in the new range is the first step, the employee shall remain in the step for six (6) months before becoming eligible for advancement to the second step.

   ii. If from a flat salary to a range, to the lowest step in his/her new range or classification that exceeds his flat salary.

g. General adjustments in salary ranges made by general increases or decreases shall be made by adjusting all classes upward or downward to the appropriate salary range herein provided. Where the salary range for a given class or for several classes is revised upward or downward, the employees holding positions in classes affected shall have their existing salary adjusted to the same step in the new range.

h. In any case where, by reason of unusual circumstances, rigid adherence to the foregoing principles related to salary adjustments would cause a manifest injustice, the City Manager may make such order relating thereto as in his/her discretion is proper.

i. Rates of compensation provided for by resolution are fixed on the basis of full-time service in full-time positions for the schedule of hours indicated. If any position provided for in the budget is by appropriate language specified or indicated as being for less than full-time service, the rate of compensation provided for such positions shall be adjusted accordingly. If the present schedule of hours is changed, appropriate adjustments shall be made in the rates. The step plan shall apply to part-time salaried as well as full-time salaried employees.

j. Changes in pay rates shall be made on the first day of the pay period next following the date of eligibility and authorization.

SECTION 3: BENEFITS

A. PERS Retirement System:

1. Plan:

   a. Tier 1: CalPERS 3% @ 50 Formula: Provided to all bargaining unit members hired on or before June 30, 2010.

   b. Tier 2: CalPERS 2% @ 50 Formula: Provided to all bargaining unit members hired on or after July 1, 2010.

   c. Tier 3: CalPERS 2.7% @ 57 plan will be provided to all sworn safety members hired on or after January 1, 2013 who are "new members" as defined under the PEPRA.

2. Employee Contribution:

   a. Effective December 22, 2012, Tier 1 and Tier 2 bargaining unit employees will pay the 9% employee contribution towards PERS.

   b. Effective January 1, 2013, Tier 3 bargaining unit members shall pay 50% of the normal cost of the retirement plan as identified annually by CalPERS. This contribution may change annually as required by the PEPRA.

   c. Effective the first full pay period after January 1, 2017, all bargaining unit members shall pay 3% of the employer's contribution in accordance with Government Code Section 20516 (Employees Sharing Additional Cost).

3. Survivor Benefits:

   The City provides for 1959 Survivors Benefit Level Four. The employee cost is $2 per month.

B. Deferred Compensation:
City will pay a total of seventy-five dollars ($75.00) per month to the ICMA deferred compensation program for each employee who makes a seventy-five dollar matching contribution.

C. Medical, Dental, and Vision Insurance:

1. Contributions:

   The City's contributions for medical, dental, and vision coverage shall be as follows:

   a. Medical Plan Contributions for association members hired before October 15, 2015, for the period of January 1 – December 31, 2016:

      i. MCSIG PPO $25 (80/20 Plan) and MCSIG PPO $40 (70/30 Plan) for the 2016 calendar year only.

      IAFF Members electing to participate in the MCSIG PPO $25 (80/20 Plan) or the MCSIG PPO $40 (70/30 Plan) will contribute an amount equal to the current employee contribution less the difference between the premium for the City's 2016 Anthem PPO (90/10 Plan) and the MCSIG PPO Plan premium.

      Starting January 1, 2017, the contribution rates for this plan will follow the formula outlined in "b" below.

      ii. PACE Plan (90/10 Plan) Grandfathered Tier – open to employees hired before October 15, 2015. The City will pay 81% of the employee only premium; 70% of the employee + 1 premium; and 73% of the family premium.

   b. Medical Plan contributions for all new members hired after October 15, 2015, and for all members beginning January 1, 2017:

      iii. MCSIG PPO $40 (70/30 Plan).
      The City will pay 100% of the employee only premium and 90% of the dependent premium. This will be the base contribution amount for all plans except the Grandfathered PACE Plan.

      iv. MCISG PPO $25 (80/20 Plan).

      IAFF Members electing to participate in the MCSIG PPO $25 (80/20 Plan) will pay the difference between the City's contribution for the PPO $40 Plan and the PPO $25 Plan premium.

v. PACE Plan (90/10 Plan) – Employees hired after October 15, 2015.

New employees enrolling in the PACE 90/10 Plan will pay the difference between the City's contribution for the PPO $40 plan and the PACE Plan premium.

vi. PACE Plan (90/10 Plan) – Grandfathered Tier – open to employees hired before October 15, 2015.

The City will pay 81% of the employee only premium; 70% of the employee + 1 premium; and 73% of the family premium.

a. The City will split the cost of any increase or decrease in dental and vision premiums with the employee on a 50/50 basis.

2. Retiree Medical

a. The City shall pay employees (not dependents) costs of health medical insurance for retirees who were hired prior to June 30, 2010.

b. IAFF disabled employees who retire must have ten (10) years of continuous service, but do not need to be 50 years of age to receive this benefit.

c. The City shall pay until retiree reaches 70 or becomes eligible for Medicare, whichever comes first.

d. Eligibility: Employees must have ten years of continuous service with the City, be at least 50 years of age, and have been hired by the City prior to July 1, 2010 to receive this benefit.

e. The City complies with all Federal and State guidelines regarding medical and dental insurance. This compliance includes continuation of benefits under COBRA.

D. Life Insurance:
City agrees to provide Group Life Insurance coverage which includes a term life insurance policy of fifty thousand dollars ($50,000) for each represented employee.

E. Long Term Disability Insurance:
The City and Association members will split the IAFF LTD premium 50/50.

F. IRS Section 125 Plan:

The City of Seaside shall maintain an Internal Revenue Code Section 125 Plan Unreimbursed Medical and Dependent Care programs for all employees in the bargaining group. The maximum for both plans is set annually by the IRS.

G. Uniform Allowance

1. Monthly Allowance:

   The combined uniform and safety/uniform boots allowance shall be seventy-five dollars ($75.00) per month. The required safety/uniform boots shall meet the Seaside Fire Department designated standard.

2. New Hire Initial Allowance:

   Newly hired personnel of the Fire Department will receive a fixed sum equal to nine hundred dollars ($900.00).

3. Uniform Allowance Reimbursement:

   All personnel who separate from employment with less than twelve months of full-time service, will be required to reimburse the City a prorated share of the initial uniform allowance. For each month, or portion thereof, less than twelve, the final compensation shall be reduced by seventy-five dollars ($75.00).

H. Mileage Reimbursement:

With the approval of the Department Head, the City shall reimburse both full and part time employees required to use their personal vehicles for the purpose of conducting City business at a rate based upon the current IRS rate.

I. Wellness Program:

1. City Swimming Pool:

   All represented members and their families shall have use of the City of Seaside's swimming pool at no cost to the employee or employee's family.

2. Health Club Membership:

   The City will pay up to $45 per month towards an employee membership at a health club upon submission of receipt of contract and payment to the Finance Division. To be eligible for reimbursement, requests for reimbursement must be received by Finance no later than 90 days from the date of service.

   Dues will be processed by payroll deduction if administratively feasible.

3. Annual Medical Physical:

   a. All uniform represented employees shall have the option to have a treadmill test as part of their annual physical every other year paid for by the City of Seaside.

   b. The annual physical will include the prostate specific antigen (PSA) test as part of the lab analysis.

SECTION 4: LEAVE PROVISIONS

A. Vacations

1. Accrual:

All regular employees, shall earn vacation as follows:

   a. During the first, second, third, and fourth years of employment, vacation will be earned at the rate of 13 hours per month.

   b. During the fifth, sixth, seventh, eighth, and ninth years of employment, vacation will be earned at the rate of 19 hours per month.

   c. During the tenth, eleventh, twelfth, thirteenth, and fourteenth years of employment, vacation will be earned at the rate of 22 hours per month.

   d. During the fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth years, vacation will be earned at the rate of 25 hours per month.

   e. During the twentieth, twenty-first, twenty-second, twenty-third, and twenty-fourth year, vacation will be earned at the rate of 26 hours per month.

   f. During the twenty-fifth year, vacation will be earned at the rate of 28 hours per month.

2. Vacation During Initial Probation:

   Use of vacation time by an employee shall be conditional upon the completion of six (6) months continuous service with the City, but if for any reason prior to the completion of six months service with the City, such employee's employment is terminated, he/she shall be credited with and paid for vacation time.

3. Vacation Upon Termination:

   Any employee, upon termination of City employment for any reason, who is entitled to vacation time and who has not had the same, shall be paid at his/her current salary rate for such termination. If such person works over one-half (1/2) of the month, they shall be entitled to accumulate vacation for that month.

a. Calculation of Hourly Pay for Vacation Payout: For employees working shifts in the Fire Department, the method of computing hourly pay for accumulated vacation shall be as follows:
   i. Hourly rate equals monthly salary (including incentive pays) multiplied by twelve (12) months and divided by 2912 hours.

5. Maximum Leave Bank Accumulation:

Employees represented by IAFF, will be allowed to have no more than two year's earned vacation accumulated as of the end of the 2nd pay period of January of any year. Based on extenuating circumstances, an employee may be granted one (1) additional year. Payout for leave in excess of maximum will occur on the 1st pay period of March. It shall be management's right and responsibility to see that the employee does not exceed the maximum. The City Manager may, in instances where the needs of the City require, authorize compensation in lieu of time off for accrued vacation.

6. Vacation Cash Out:

Bargaining unit members may cash out 60 hours of accumulated vacation time before the end of the calendar year. Bargaining unit members wishing to utilize this option must notify the City no later than September 15 of the calendar year in which the cash out is being utilized. The cash out payment will be made in the first paycheck of November. This cash out provision is voluntary on the part of each bargaining unit member, and does not change the practice of maintaining a maximum of two years of vacation accumulation at the end of any calendar year.

7. Accumulation During OJI Leave:

An employee being paid because of an injury on-the-job will accumulate vacation time and sick leave.

8. No Interruption of Accumulation:

No interruption in accumulation of vacation time shall result when an employee takes sick leave, vacation, temporary military leave, or paid leave because of an on-the-job incurred illness or injury.

B. Sick Leave with Pay for Non-Job Related Illness, Injury or Disability

1. Accrual:

An employee shall earn 24 hours of sick leave with pay for each calendar month or major fraction thereof served and deducted hour for hour when used.

2. Use of Leave:

   Sick leave with pay will be granted only upon the approval of the Department Head in case of bonafide illness of an employee, including the diagnosis, care, or treatment of an existing health condition of, or preventive care. If the need for paid sick leave is foreseeable, the employee shall provide reasonable advance notification. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for the leave as soon as practicable. Evidence may be required in the form of a physician's certificate or otherwise to verify an employee's absence during the time for which sick leave is requested.

   Sick leave may also be used by an employee who is a victim of domestic violence, sexual assault, or stalking, to obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking with appropriate certification of the need for such services.

3. Illness/Injury During Vacation:

   When an illness or injury requiring doctors treatment, and/or hospitalization occurs during an employee's vacation or approved leave of absence with pay, and the injury or illness is of a nature that would prohibit the employee from performing his/her duties, the employee shall submit a memorandum giving full and complete information as well as a doctor's verification to the Department Head for a determination that such time off will be charged to sick time rather than to vacation time.

4. Personal Leave.

   During the month of November each year, represented positions shall have the option to transfer a maximum of ninety-six (96) hours of accumulated sick time to personal leave. Accumulated personal leave shall not be greater than ninety-six (96) hours at the end of any calendar year. Personal leave is for family emergencies.

5. Bereavement Leave:

   For employees represented by the IAFF, bereavement leave will be permitted without charging such leave against sick leave upon the death of an employee's parent, child, spouse, brother, sister, grandparent, father-in-law, or mother-in-law. Bereavement leave for shift-rate Fire Department personnel will be one and one-half shifts (36 hours), however, the employee may utilize an additional thirty-six (36 hours) of sick leave to extend said leave. Additional time may be granted by the Fire Chief.

6. Family Sick Leave:

   Sick leave may be used for the illness or injury of an employee's family member. A family member shall be defined as parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis), spouse or domestic partner, grandparent, grandchild, and sibling.

7. Sick Leave Upon Rehire:
If an employee separates from City employment and is re-hired by the City within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated to the extent required by law.

C. On-The-Job Injury Leave:

1. Labor Code 4850

   Employees covered under Section 4850 of the California Labor Code shall become entitled to on-the-job injury leave in accordance with its provisions.

   a. An employee on leave of absence under this Section will continue to accumulate sick leave and vacation leave.

   b. An employee on leave without pay would be entitled to temporary disability in accordance with State Worker's Compensation law.

   c. Once OJI leave has been exhausted, accumulated leaves may be used to supplement temporary disability payments.

D. Holidays

1. Regular Holidays:

   All represented employees shall be entitled to the following holidays:
   - First day of January (New Year's Day)
   - Third Monday in January (Martin Luther King Observance)
   - Third Monday in February (President's Day)
   - Thirty-first day of March (Cesar Chavez Day)
   - Last Monday in May (Memorial Day)
   - Fourth day of July (Independence Day)
   - First Monday in September (Labor Day)
   - Eleventh day of November (Veteran's Day)
   - Fourth Thursday of November (Thanksgiving Day)
   - Day following Thanksgiving Day
   - Working day immediately preceding Christmas Day
   - Twenty-fifth day of December (Christmas Day)

2. Memorials:

   Upon Council approval, every day appointed by the Governor of the State, the President of the United States, or the City Council as a memorial, public fast, thanksgiving, or holiday.

3. Holiday Pay:

   It is the intent of this resolution that all regular City employees shall observe the twelve (12) holidays set forth above.

   a. Fire Department personnel assigned to shifts will be compensated for holidays by paying for 11.2 hours based on 56 hour work week.

E. Jury Duty:

The City will grant an employee leave with pay for jury duty. Any checks received from the courts must be submitted to Finance. Travel pay which is included in the check, will be returned to the employee. This rule is also applicable to those employees serving on the Grand Jury.

SECTION 5: WORKING CONDITIONS

A. Educational Incentive Program

All association members shall be eligible for the City's Educational Incentive Programs.

1. Guidelines:

   a. Requests for Educational Incentive Pay shall be submitted to the Fire Chief indicating the specific courses and credits completed, together with transcripts or other documentation as may be required by the Human Resources Director. This information will be submitted on forms provided by the Human Resources Department.

   b. All courses taken to secure the above educational incentive pay shall be at the individuals own time and expense and any classes which have letter grades, a "C" or better must be obtained or pass if on a Pass/Fail basis, or certificate of completion if no grade is given. Any disputes shall be decided by the Human Resources Director.

   c. An employee must pass probation before receiving this benefit.

   d. Education acquired prior to appointment as an employee of the City of Seaside qualifies under this program.

   e. A college unit shall mean a semester college unit.

   f. Employees may take courses from public or private schools. Colleges, or universities which are accredited under the auspices of the Council on Post-Secondary Education, when such courses are undertaken for purpose of improving their efficiency, knowledge, or competency in the performance of their duties.

2. Educational Incentive Pay

    a. 2.5% increase for 30 college units with ten of those units in Fire Science.

    b. 5% increase for 60 college units with 20 of those units in Fire Science OR an AA or AS in Fire Science or Fire Protection Technology.

    c. 5% increase for a BA/BS

    d. 7% shall be provided for a MA/MS.

    e. This incentive pay shall not stack.

    f. Association members are not required to recertify Educational Incentive Pay.

B. Employee Incentive Pay:

a. All employees shall be eligible for Employee Incentive Pay for cost saving suggestions. Employees wishing to apply for incentive pay will submit their suggestion to the Employee Task Force for review. The Task Force will coordinate with the appropriate City departments/divisions to determine the acceptability of the cost-saving suggestion and establish remuneration.

g. A cost saving suggestion resulting in a one time saving would be evaluated for a one-time bonus. This bonus may range from $5.00, up to and not to exceed $25.00. A cost saving suggestion resulting in an annual saving of a substantial amount of money would be evaluated for an annual bonus of $100.00.

C. Work Schedule and Staffing:

1. Shift Staffing:

   The Fire Department intends to continue its current minimum staffing level of seven (7), unless otherwise directed by the City Council.

2. Work Schedule:

   The City and IAFF agree to the 48/96 schedule for all members of IAFF, Local 1218, assigned to the Fire Operations Division of the Fire Department. The 48/96 work schedule shall result in a change from a twenty-seven (27) day Fair Labor Standards Act (FLSA) work period to a twenty-four (24) day FLSA work period.

3. Exchange Hours:

The City agrees to allow personnel to exchange hours or shifts an unlimited number of times per year. Under no circumstances shall overtime be incurred as a result of a shift exchange unless the employee scheduled to work pursuant to the shift exchange is sick.

4. Consecutive Work Shifts:

There will be no changes in consecutive work shift policy. Consecutive work shifts will only be allowed when no other alternatives are available.

D. Grievance Procedure:

The Association has a right to file a grievance upon the following conditions:

1. The grievance involves more than one Association member.

2. There is a specified violation of the MOU in force or a specified violation of a City or Department rule and regulation.

E. Promotional Testing:

Promotional testing for, and the filling of, approved and funded positions represented by the Association shall occur within one year of the vacancy.

F. Bilingual Training:

The City shall provide bilingual (Spanish) training for uniformed Fire Department personnel at the fire station at no cost to uniformed personnel.

G. Unit Designation:

The IAFF, Local 1218, represents the classifications of Firefighter, Fire Engineer, and Fire Captain.

SECTION 6: MISCELLANEOUS

A. City's Right To Discovery:

All discoveries, inventions, improvements, formulas, ideas, devices, writings or other intellectual property, whether or not subject to patent or copyright laws, which employees shall conceive solely or jointly with others, in the course or scope of his/her employment, or with the City's materials or facilities, shall be the sole and exclusive property of the City without further compensation.

B. Separability

If any section, subsection, paragraph, clause or phrase of this agreement is, for any reason, held to be invalid or unconstitutional, by a court of competent jurisdiction, such invalidity or unconstitutionality of the remaining portions of this agreement, it being hereby expressly declared that this document, each section, subsection, paragraph, sentence, clause and phrase thereof, would have been adopted irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

It is agreed by the parties to this agreement that the preceding represents the full and complete agreement which has been reached after discussions held in accordance with the Meyers-Milias-Brown Act. All other proposals, offers, counter-proposals, counter-offers, or other matters discussed during the meet and confer process are deemed to be rejected by both the City and the Association.

Craig Malin, City Manager City of Seaside	Date
Johnny Subia, President International Association of Firefighters, Local 1218	Date 7/15/2016

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.D.

TO: City Council

FROM: Craig Malin, City Manager

BY: Roberta Greathouse, Human Resources Director
Vicki Myers, Police chief

DATE: July 21, 2016

SUBJECT: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE MODIFYING THE POSITION ALLOCATION LIST TO ADD ONE POLICE RECORDS SPECIALIST AND DELETE ONE POLICE RECORDS TECHNICIAN**

PURPOSE

The purpose of this item is to request the City Council approve a resolution modifying the position allocation list to add one Police Records Specialist and delete one Police Records Technician. Approval of the resolution will not result in the reduction of an existing employee as the Police Records Specialist will be filled internally through a promotional process.

RECOMMENDATION

It is recommended that the City Council adopt the resolution modifying the position allocation list to add one Police Records Specialist and delete one Police Records Technician.

BACKGROUND

On June 2, 2011, the City Council approved a reorganization of the Police Records Division which included adding the Police Records Specialist classification and an Administrative Analyst. Although the Administrative Analyst position was filled, the Police Records Specialist was not.

Police Records is a critical function within the Police Department, providing 24/7 services that include the preparation, maintenance, retention, and release of police records; providing counter and telephone services to the community; assisting with booking and record functions; and processing warrants and restraining orders which include entering and maintaining the information in the Department of Justice systems.

Five full-time Police Records Technicians are allocated and funded in the Police Department and several part-time Records Technicians provide additional support. The daily operations of the division are supervised and managed by the Administrative Analyst who also supervises evidence, prepares and manages the budget, manages the department's grants, and provides other financial and statistical reports.

The Police Records Specialist will serve as a lead worker in the absence of the Administrative Analyst and will perform several key functions including oversight and processing of complex public records requests; preparation of the uniform crime reporting (UCR) and monthly crime statistic reports; supervising the civil abatement process; and training the Police Records Technicians. There have also been a number of recently mandated data gathering and reporting requirements regarding use of force incidents. The Police Records Specialist will assist with these reporting requirements and, in the absence of the Administrative Analyst, will fulfill these critical and mandated reporting requirements.

FISCAL IMPACT

The fiscal impact for Fiscal Year 2016-2017 will be approximately $3,000 which can be absorbed through salary savings associated with existing vacancies.

ATTACHMENTS

1. Resolution

Reviewed for Submission to the
City Council by:

____
Craig Malin, City Manager

RESOLUTION NO. 16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE MODIFYING THE POSITION ALLOCATION LIST TO ADD ONE POLICE RECORDS SPECIALIST AND DELETE ONE POLICE RECORDS TECHNICIAN

WHEREAS, the City's Classification Plan of positions may be amended on recommendation of the City Manager and approval by the City Council; and

WHEREAS, in order to provide greater efficiency in the operation of the City and enhance service levels, certain job classifications have been prepared; and

WHEREAS, the Police Records Division requires a Police Records Specialist to perform certain key functions and provide additional leadership and oversight; and

WHEREAS, the Police Records Specialist will be filled through an internal promotion which will result in reducing the number of Police Records Technicians from five (5) to four (4); and

WHEREAS, the Police Records Specialist classification was created and the salary established by the City Council on June 2, 2011.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Seaside hereby approves modifying the position allocation list to add one Police Records Specialist and delete one Police Records Technician.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 21st day of July by the following vote:

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

____
Ralph Rubio, Mayor
City of Seaside

ATTEST:

____
Lesley Milton, City Clerk

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.E.

TO: City Council

FROM: Craig Malin, City Manager

BY: Vicki Myers, Police chief

DATE: July 21, 2016

SUBJECT: **APPROVE AND AUTHORIZE SUBMISSION OF RESPONSES TO 2015-16 MONTEREY COUNTY CIVIL GRANT JURY FINAL REPORT**

PURPOSE

To authorize staff to submit a response to the Monterey County Civil Grand Jury report "Slowly Expanding Use of Body Worn Video Cameras by Law Enforcement Agencies in Monterey County.

RECOMMENDATION

That the City Council approve the drafted response as submitted.

BACKGROUND

The 2015-16 Monterey County Civil Grand Jury Final Report entitled "The Slowly Expanding Use of Body-Worn Video Cameras by Law Enforcement Agencies in Monterey County" requires the City of Seaside City Council to respond within ninety (90) days following its transmittal, to Finding Numbers F1-F6, F30; and Recommendation Numbers R47-51.

Attached is the draft response to the questions and staff is recommending approval of the draft letter for submission.

FISCAL IMPACT

There is no fiscal impact associated with this action at this time.

ATTACHMENTS

1. Draft Respone

Meeting Date: July 21, 2016

Reviewed for Submission to the
City Council by:

____
Craig Malin, City Manager

MEMORANDUM **SEASIDE POLICE DEPARTMENT**

Vicki L.H. Myers, Chief of Police
Louis Lumpkin, Deputy Chief

Date: June 24, 2016

To: C. Malin, City Manager

From: V. Myers, Chief of Police

Subject: 2015-16 Monterey County Civil Grand Jury Final Report

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The 2015-16 Monterey County Civil Grand Jury Final Report entitled "The Slowly Expanding Use of Body-Worn Video Cameras by Law Enforcement Agencies in Monterey County" requires the City of Seaside City Council to respond within ninety (90) days following its transmittal, to Finding Numbers F1-F6, F30; and Recommendation Numbers R47-51.

The following are my recommended responses:

The City of Seaside received the 2014 Monterey County Grand Jury's Final Report entitled "The Slowly Expanding Use of Body-Worn Video Cameras by Law Enforcement Agencies in Monterey County." The City of Seaside City Manager also strongly supports the purchase and implementation of body worn cameras (BWCs) and will ensure the funding to properly purchase and properly implement BWCs, their storage system, and appropriate software and staffing to respond to Public Records Requests, in the next annual budget cycle.

The Seaside City Council responds as follows:

FINDINGS:

F1. **"The use of BWCs responds to public demands for greater law enforcement transparency."**

Response F1: The respondent agrees with the finding.

F2. **"BWCs, when recording lawful police conduct, provide positive risk management benefits."**

Response F2: The respondent disagrees partially with the finding. The recording of work related police conduct, whether lawful or not, provides positive risk management benefits.

F3. **“BWC recordings can serve as a valuable officer training resource.”**

Response F3: The respondent agrees with the finding.

F4. **“Law enforcement best practices now include law enforcement’s use of BWCs when funds have been made available for their purchase and that of required data storage capacity.”**

Response F4: The respondent disagrees partially with the finding. The finding should also include law enforcement’s ability to appropriately respond to and comply with Public Record Requests related to the recordings of BWCs.

F5. **“At a minimum in California, written department policies must comply with the requirements of Penal Code Section 832.18 (Appendix 3).”**

Response F5: The respondent agrees with the finding.

F6. **“In the absence of other sources of funding, each City Council must make sufficient funds available to its police department before the department can purchase BWCs for its officers and a secure storage system for resulting BWC recordings.”**

Response F6: The respondent disagrees partially with the finding. The finding should also include sufficient funds to appropriately respond to and comply with Public Record Requests related to the recordings of BWCs.

F30. **“The Seaside Police Department does not provide BWCs for its officers’ use, although the department favors their use.”**

Response F30: The respondent disagrees partially with the finding. The finding does not identify why the Department does not provide BWCs. The City of Seaside strongly supports the proper implementation of a BWC program. In the recent past, the City of Seaside did not provide BWCs for its officer’s use due to a lack of necessary funding necessary to: purchase and properly implement a BWC system.

RECOMMENDATIONS:

R47. **“As part of the Seaside Police Department’s next annual budget request (or before) the Department shall apply to the Seaside City Council for funds sufficient to purchase body-worn cameras of the Department’s choosing for each officer, and for a secure data storage system with adequate capacity to store the date recorded by those cameras.”**

Response R47: The recommendation will be implemented. The City Manager will incorporate funding of a proper BWC program into the next annual budget process.

R48. **"As part of the Seaside Police Department's next annual budget request (or before) the Department shall apply to the Seaside City Council for funds sufficient to purchase body-worn cameras of the Department's choosing for each officer, and for a secure data storage system with adequate capacity to store the date recorded by those cameras."**

Response R48: The recommendation will be implemented. The City Manager will incorporate funding of a proper BWC program into the next annual budget process.

R49. **"The Seaside Police Department shall adopt a written body-worn camera policy, which at a minimum includes the "best practices" set forth in California Penal Code 832.18."**

Response R49: The recommendation requires further analysis. California Penal Code 832.18(b) only requires agencies, departments, or entities to "consider" the best practices regarding the downloading and storage of body-worn camera data. It does not require it. As there are many unexplored and yet to be determined areas pertaining to the use, storage and release of BWCs and the data obtained, the Legislature incorporated language that provides latitude for the subject matter experts to determine which practice(s) will or will not be incorporated. The respondent will implement the best-practices it determines to be appropriate for its agency and community, in accordance with a recommendation from its subject matter expert and legal requirements, at the time of implementation.

R50. **"The chief of the Seaside Police Department shall meet with the department's legal counsel to review the legal sufficiency of the department's proposed body-worn camera policy before it is adopted by the department."**

Response R50: The recommendation has not been implemented, but will be implemented in the future, prior to the policy being adopted by the department.

R51. **"The chief of the Seaside Police Department shall meet with the department's legal counsel at least annually to review the then-current state laws relating to the use of body-worn cameras and the storage of their recordings, and to revise department policy if necessary to comply with such laws.**

Response R51: The recommendation has been implemented. The Seaside Police Department utilizes Lexipol for the development and legal review of all of its' polices. Ongoing legal review is included in the contract for services with Lexipol.

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.F.

TO: City Council

FROM: Craig Malin, City Manager

BY: Roberta Greathouse, Human Resources Director
Dave Fortune, Maintenance and Utilities Superintendent

DATE: July 21, 2016

SUBJECT: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE MODIFYING THE POSITION ALLOCATION LIST TO ADD ONE HVAC SPECIALIST AND DELETE ONE BUILDING MAINTENANCE SPECIALIST**

PURPOSE

The purpose of this item is to request the City Council approve a resolution modifying the position allocation list to add one HVAC Specialist and delete one Building Maintenance Specialist. This position will be funded by the City's contract with the United Sates Government under the Base Operations Support Services and Facilities Maintenance and Repair Contract.

RECOMMENDATION

It is recommended that the City Council adopt the resolution modifying the position control list to add one HVAC Specialist and delete one Building Maintenance Specialist.

BACKGROUND

The City of Seaside has several major reimbursement contracts and the revenues that the City receives from these programs assists with our ability to provide services to the community. One of these contracts is with the United States Government for base operation support for the Ord Military Community. It is important that the City meet all of the contract requirements and respond to the requests for service in a timely fashion.

The City began providing services to the Army in 1999. Staff has done an excellent job managing and responding to the needs of the contract, however the current workload requires the addition of a position with specialized skills in heating, ventilation, and air conditioning, therefore it is proposed to replace the currently vacant Building Maintenance Specialist classification with a HVAC Specialist. There will be no general fund impact because the

POMA contract will pay 100% of the labor costs.

It is proposed that the City Council adopt the attached resolution modifying the position allocation list by adding one HVAC Specialist and deleting one Building Maintenance Specialist. The job description and salary range for HVAC Specialist has already been established.

FISCAL IMPACT

There is no impact to the adopted budget as this classification will be funded through the City's contract with the United States Government.

ATTACHMENTS

1. Resolution

Reviewed for Submission to the
City Council by:

Craig Malin, City Manager

RESOLUTION NO. 16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE MODIFYING THE POSITION ALLOCATION LIST TO ADD ONE HVAC SPECIALIST AND DELETE ONE BUILDING MAINTENANCE SPECIALIST

WHEREAS, the City's Classification Plan of positions may be amended on recommendation of the City Manager and approval by the City Council; and

WHEREAS, in order to provide greater efficiency in the operation of the City and enhance service levels, certain job classifications have been prepared; and

WHEREAS, the Maintenance & Utilities Division requires a HVAC Specialist to perform certain key functions in order to comply with the City's contractual obligations to the Presidio of Monterey Bay Operations and Maintenance (POMA) Contract; and

WHEREAS, the HVAC Specialist job description and salary range was previously approved by the City Council.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Seaside hereby approves modifying the position allocation list to add one HVAC Specialist and delete one Building Maintenance Specialist.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 21st day of July by the following vote:

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

____
Ralph Rubio, Mayor
City of Seaside

ATTEST:

____
Lesley Milton, City Clerk

CITY OF SEASIDE
STAFF REPORT

Item No.: 8.G.

TO: City Council

FROM: Craig Malin, City Manager

BY: Lesley Milton-Rerig, City Clerk

DATE: July 21, 2016

SUBJECT: **APPROVE DESIGNATION OF VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE OCTOBER 5-7, 2016**

PURPOSE

That the City Council Approve the appointment of Mayor Pro Tem Oglesby as the voting delegate and Council Member Alexander as the alternate voting delegate representing the City of Seaside at the League of California Cities Annual Conference.

RECOMMENDATION

That the City Council approve the appointments.

BACKGROUND

The League of California Cities, of which the City of Seaside is a member, is hosting their annual Conference October 5 through October 7, 2016 in Long Beach, CA. At the annual business meeting, the League adopts policy resolutions on issues of statewide importance that have direct bearing on municipal affairs and that are of broad municipal interest.

In order to vote on the League of California Cities' Annual Policy Resolutions, the City Council must designate one (1) voting delegate and up to two (2) alternates to vote at the Annual League of California Cities' business and the General Resolutions Committee. Voting delegates must be registered for the conference.

It is recommended that the City Council Approve the appointment of Mayor Pro Tem Oglesby as the voting delegate and Council Member Dennis Alexander as the alternate voting delegate representing the City of Seaside at the League of California Cities Annual Conference.

FISCAL IMPACT

None.

ATTACHMENTS

1. Draft Resolution

Reviewed for Submission to the
City Council by:

____
Craig Malin, City Manager

RESOLUTION NO. 16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE

DESIGNATING VOTING DELEGATES AND ALTERNATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE OCTOBER 5-7, 2016

WHEREAS, The League of California Cities (the League) is an association of California city officials who work together to enhance their knowledge and skills, exchange information, and combine resources so that they may influence policy decisions that affect cities; and

WHEREAS, the City of Seaside is a voting member of the League; and

WHEREAS, at the annual business meeting, the League adopts policy resolutions on issues of statewide importance that have direct bearing on municipal affairs and that are of broad municipal interest; and

WHEREAS, voting delegates must be registered for the League Annual Conference held October 5-7; 2016; and

WHEREAS, in order to vote on the League of California Cities' Annual Policy Resolutions, the City Council must designate one (1) voting delegate and up to two (2) alternates to vote at the Annual League of California Cities' business meeting during the conference.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Seaside designates Mayor Pro Tem Ian Oglesby as the voting delegate and Council Member Dennis Alexander as alternate voting delegates for the Annual Conference held on October 5-7, 2016 in Long Beach, CA.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Seaside duly held on the 21th day of July 2016, by the following vote:

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

APPROVED:

____
Ralph Rubio, Mayor

ATTEST:

____
Lesley Milton-Rerig, City Clerk