



CITY OF SEASIDE
CITY COUNCIL

FINAL MINUTES

REGULAR MEETING
COUNCIL CHAMBER
Thursday, January 21, 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, Rubi

ABSENT: None

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**

Bishop Dave Higginbotham, of the Seaside Ward, Monterey Stake, Church of Jesus Christ of Latter-day Saints lead invocation.

4. **REVIEW OF AGENDA**

No changes were requested. Mayor Rubio welcomed City Manager Craig Malin to his post.

5. **PUBLIC COMMENT**

Mayor Rubio invited comments for items not on the agenda.

- Kevin Saunders apologized at his behavior at the last City Council meeting. He said he is passionate about the cause but indicated that the stress of his upcoming trials for trafficking influenced his comments. He also apologized for comments made directed at Mayor Rubio regarding campaign contributions. He promised Chief Myers that he will have civil behavior so it does not overshadow those who have positive comments.
- Sam Rashkin spoke to the headline of the One Starfish Parking program which was taken up at the City of Monterey Council meeting, a program that will help transitional people women and children. He said there would be a fundraiser on March 23 there at Fisherman's Wharf, partnering with the Pacific Grove Chamber of Commerce. He encouraged representatives from Seaside to participate.
- Nina Beaty announced a meeting on January 29th at the peace resource center on the radiation effects from Fukushima. She also spoke to the Planning Commission meeting regarding cell towers in churches in Seaside. She expressed concern the new legislation effective January 1st regarding the window of approval of cell tower application might impact the delay of the appeal to the City Council.
- Krystal Lynn Geidt from the Seaside Business and Residents Association relayed comments made from community members that a new running/jogging/walk club on Wednesdays at 11:00 Am requested consideration of placing more trash cans along the walking/rec paths. She reported that a resident named Ashlee requested staff to assist to eliminate the day workers that loiter in the Home Depot Shopping center which makes her feel unsafe. Finally she indicated that there will be a lunch and learn Wednesday at noon with a workshop to learn about SEO and invited anyone to attend and learn more at seasidecalifornia.org.
- Pastor Kenneth Murray indicated his church is collaborating on a project to house homeless

people and assured the Council it will be in compliance with the City regulations. They are currently participating with I-Help and the request for a warming shelter has been discussed and his congregation has been considered. Ocean View Baptist Church are strong advocates for homelessness and youth gang violence but will remain in compliance with the City.

Mayor Rubio explained that the trail in question by Ms. Geidt is in Sand City.

6. **PUBLIC AGENCY COMMUNICATIONS**

Francois Avery from the Seaside Art and History Association reported on the current Fiber Art exhibit in the Avery Gallery through the 29th of January, which is a combination of local quilters and textile artists and can be viewed during normal business hours of City Hall.

7. **PRESENTATIONS**

A. **PRESENTATION OF THE 2015 HOUSE OF THE YEAR AWARD**

Mayor Rubio and Neighborhood Improvement Program Commissioner Ray Bennett awarded Anthony and Ginger Snell the House of the Year award for beautifying and maintaining their home. Mr. Snell spoke to their motivation to inspire the neighbors to take more pride in their homes and neighborhood. They are extremely proud of their home and their neighborhood.

B. **PRESENTATION OF THE 2015 BUSINESS OF THE FOURTH QUARTER AWARD**

Mayor Rubio and Neighborhood Improvement Program Commissioner Ray Bennett awarded Norman Naylor the business of the fourth quarter.

C. **PRESENTATION OF THE 2015 HOLIDAY DECORATION CONTEST AWARDS**

Mayor Rubio and Neighborhood Improvement Program Commissioner Ray Bennett provided the winners of the Holiday Decoration contest with the Most Spectacular and Commissioner's Choice Awards. They encouraged more people to do it next year. Mr. Bennett then recognized the businesses that decorated for the holiday and that it made an impact in our community.

D. **RECEIVE CERTIFICATE OF RECOGNIZATION PRESENTATION FROM THE MONTEREY PENINSULA REGIONAL WATER AUTHORITY**

Mayor Rubio and Monterey Peninsula Regional Water Authority Executive Director provided City Clerk Milton-Rerig with a certificate of appreciation for her services to the Authority.

8. **CONSENT CALENDAR**

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

Council Member Campbell requested to discuss Items D and E and Council Member Pacheco questioned Item F, requesting an explanation on how the water project will benefit Seaside and how it will save us money in other project areas. Public Works Services Manager O'Halloran spoke to the program and the benefits which of set the usage of potable water currently used for sewage and storm drain flushing. The addition of \$25,000 of expenditures in the report would commence fiscal year, as needed.

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 with the exceptions of items D and E.

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

A. APPROVE MINUTES OF DECEMBER 17, 2016 REGULAR MEETING

Action: Approved

B. APPROVE AND FILE CITY CHECKS

Action: Accepted and filed

C. REVIEW AND CONSIDER APPROVAL OF A MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM ORCHESTRA IN THE SCHOOLS

Action: Approved

D. CONSIDER CONTRIBUTION REQUEST FROM MAYOR'S YOUTH FUND FOR THE LADIES FIRST NON-PROFIT ORGANIZATION

Action: Approved

Council Member Campbell commented that we allocated to Ladies First previously this fiscal Year on August 21st and according to our Policy it is a \$3,000 maximum. However, the Council has the discretion to approve additional funds as they see fit. He spoke in support of the organization but also wanted to make sure that the public is aware of the exception.

There were no comments from the public on this item.

On motion by Council Member Campbell and seconded by Mayor Pro Tem Oglesby and passed by the following vote the

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

E. CONSIDERATION OF ACCEPTING AN ACTIVE TRANSPORTATION PROGRAM (ATP) GRANT AND A RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES WITH MARK THOMAS & COMPANY TO UPDATE THE DESIGN OF THE WEST BROADWAY URBAN VILLAGE INFRASTRUCTURE IMPROVEMENT PROJECT FOR A NOT TO EXCEED AMOUNT OF EIGHTY THOUSAND ONE HUNDRED NINETY-SEVEN DOLLARS (\$80,197.00).

Council Member Campbell questioned why the ATP grant contract approved recently is already being amended by a significant amount and requested justification as well as requested consideration of reallocating a portion of the original cost to the application of this grant. Public

Works Services Manager O'Halloran explained that this is a new federal grant that has been applied for that was not included in the original scope of work, and if accepted would require compliance with federal requirements for environmental review and other federal guidelines. Mr. O'Halloran answered questions from the Council. On question regarding the benefits, Mr. O'Halloran acknowledged that it does complicate the project but the construction budget benefit dramatically outweighs the extra work required.

Mayor Rubio invited comments from the Public,

- Felix Bachofner spoke to his comments made at the initiation of the contract that it was already being extended and questioned other obligations attached to this. He requested tabling the item for a future meeting.
- Bill Weigle posed three questions, if that this would require an EIR or NEPA process and if so, who would pay for it and how long would it take; 2) What impact will a \$3.7 million grant have for the construction, design work and what are the location design limits; and 3) if this becomes federalized, what exactly does that mean to the City of Seaside.

Deputy City Manager Resource Management Services Ingersoll responded that staff previously requested and received permission to apply for this grant which allows us to complete the entire project from Fremont Blvd to Contra Costa. This also expands the scope of work to include an expended bike lane from General Jim Moore and to Del Monte Ave as well as other aspects. If the grant is not accepted, we will not proceed with the \$80,000 addition cost for the revised scope of work, but will proceed with the original scope of work approved for the consultants. Mayor Rubio noted there is an existing certified EIR but a supplemental EIR will be required for the bike lane. Mayor Pro Tem agreed with comments from the Mayor.

On motion by Council Member Campbell and seconded by Council Member Pacheco and passed by the following vote the City Council approved the resolution authorizing a first amendment to the agreement for consultant services with Mark Thomas & Company.

RESULT:	Passed
MOVER:	Council Member Dennis Alexander
SECONDER:	Council Member Dave Pacheco
AYES:	Alexander, Campbell, Oglesby, Pacheco, Rubio
NOES:	None

F. CONSIDER RESOLUTION APPROVING THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT GRANT AGREEMENT TO THE CITY OF SEASIDE FOR LOCAL WATER PROJECT DEVELOPMENT EXPENSES

Action: Approved & Authorized

G. APPLICATION APPROVAL FOR ASSISTANCE TO FIREFIGHTERS GRANT FOR THE PURCHASE OF REPLACEMENT THERMAL IMAGING CAMERAS FOR THE FIRE DEPARTMENT IN THE AMOUNT OF \$19,860.00 WITH MATCHING FUNDS OF \$3,972.00

Action: Approved & Authorized

H. RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATION(S) UNDER THE STATE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

Action: Adopted Resolution

I. AUTHORIZE ACCEPTANCE OF YEAR 2 GRANT FUNDS FOR THE CAL GRIP GRANT PROGRAM TO CONTINUE OPERATIONS AS PROPOSED IN THE THREE YEAR GRANT AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT

Action: Approved & Accepted

J. AUTHORIZE RENEWAL OF AGREEMENTS WITH COMMUNITY PARTNERS OF THE CALIFORNIA GANG REDUCTION IMPLEMENTATION PROGRAM (GRIP) PROGRAM FOR YEAR TWO GRANT FUNDS

Action: Approved and Authorized

9. PUBLIC HEARING

A. SECOND READING OF AN ORDINANCE AMENDING THE TEXT OF SECTION 17.52.150 OF THE SEASIDE MUNICIPAL CODE DEFINING AND PROHIBITING MEDICAL MARIJUANA DISPENSARIES, CULTIVATION OF MARIJUANA AND ALL COMMERCIAL MEDICAL MARIJUANA USES IN THE CITY (SECOND READING)

City Attorney Don Freeman indicated that this is a second reading ordinance regarding the prohibition of the delivery, cultivation, and sale of medical marijuana in the City of Seaside. He re-detailed the state law that becomes effective on March 1, that if adopted would preclude further local regulations and would allow the City to retain the control locally. It is the same document with no changes from the previously presented draft. This Council and any future Council will retain the sole ability to modify in the future as they see fit.

Council Member Campbell reinforced his comments from the last meeting, and re-requested consideration to adopt the draft ordinance and direct staff to bring it back to make it more compassionate and tolerant in the future. *Council Member Campbell moved to approve the draft ordinance with the caveat to address in the next few months.* Motion dies for lack of a second.

Council Member Pacheco and Mayor Pro Tem Oglesby spoke in agreement to Mr. Campbell's request to reconsider this item in the future but that the time frame does not need to be determined at this time.

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

- Susan Ragsdale-Cronin spoke to the changing public perception since the last adopting in 2012, opiate addiction has increased and that an alternative to opiates is medical marijuana. She provided copies of the newspaper article that she co wrote, and she requested that the Council allow medical marijuana in seaside for compassionate residents and look at DRO that has successfully allowed the businesses. She spoke to the local economic benefits, the medical benefits and in support of approving full legalization.
- Kay Cline reported that AB 21, considered an urgency bill would be voted and was passed by the committee unanimously. This legislation will remove the March 1 deadline if passed. She did feel it was rushed, but understands the need to retain control. She requested that the Council postpone adoption pending the emergency bill at the State level.
- Bill Weigle agreed with Council Member Campbell's request to reconsider and agreed with Ms. Cline to table the item and call a special meeting to adopt if the State bill dies.
- Kevin Saunders spoke to his aspirations and proposal to develop a cannabis farm on Fort Ord. He spoke in support of comments made by Ms. Ragsdale-Cronin and Council Member Campbell. He indicated that he is a cannabis delivery service based in Seaside and will not discontinue his business after the adoption of the ordinance. He disagreed with adoption of the ordinance, and requested the Council to approve it for revenue to enhance recreation

based programs.

- Sam Rashkin spoke to the economic benefits and the business of cannabis. The new law will be a government regulated business and spoke to the regulations for a business to be compliant with the local, and state regulations which are prohibitive. Many cities are going to the ban and amend model to have community discussions and see if it fits the community model.
- Miriam Smith spoke in agreement with Ms. Cline and encouraged conducting community meetings to gauge the community perspective.
- Felix Bachofner spoke to previous efforts by Council Members to get an item agendized, citing the topic of the social media. He thought there is overwhelming support by the public and he encouraged accepting Council Member Campbell's motion to approve but with the agreement that it be re-agendized for further discussion at a later date.
- Gertrude Smith said that public input and government legislation should work together and be like siblings. Spoke to getting more public input on the item and that the consensus will be different.

Legal Counsel Freeman reminded the Council and explained to the public that ordinances can only be adopted at a regular meeting and a special meeting cannot be called to adopt an ordinance. Mayor Rubio spoke to the unreliability of the state legislation. He spoke to the issue at hand to protect the legal rights of our citizens and look at what the landscape will look like after 6 months to a year. The Council discussed the proposed ordinance, the implications and the timing.

There was discussion if the initial motion was valid and Mr. Campbell restated his initial motion to adopt the ordinance as presented and direct staff to re-adgendize in a discussion in two months with potential amendments to be more business friendly and compassionate to users. Seconded by Council Member Pacheco who then requested a friendly amendment to allow staff till July to bring it back for discussion and have time to conduct substantial public outreach. Amendment accepted. Council Members Alexander and Oglesby disagreed to add a schedule..

On call for the question, motion fails 2-3, Council Members Alexander, Oglesby, Rubio voting no.

Council Member Alexander moved to accept the ordinance as written. Seconded by Council Member Pacheco. Speaking on the second, Council Campbell stated he cannot vote for it in good conscience. Council Member Pacheco thanked Mr. Bachofner for his comments but requested it move forward. Mayor Pro Tem Oglesby reaffirmed that there is no amount of public outreach that can be done between now and the adoption on March 1. He also disagreed with public comments made that there was overwhelming public support, and that seven people out of 36,000 is not overwhelming. He appreciated the passion of the speakers, but it may not represent the vision of the whole city. He also encouraged advocates to distinguish themselves from the medical users from the recreational users.

On motion by Council Member Alexander and seconded by Council Member Pacheco and passed by the following vote the City Council approved the passage of Ordinance 1026 approving the text amendments to Section 17.52.150 defining and prohibiting medical marijuana dispensaries, cultivation of marijuana and all commercial medical marijuana uses in the city.

RESULT:	Passed
MOVER:	Council Member Dennis Alexander
SECONDER:	Council Member Dave Pacheco
AYES:	Alexander, Oglesby, Pacheco, Rubio
NOES:	Campbell

10. MAYOR, CITY COUNCIL, CITY MANAGER AND CITY ATTORNEY COMMENTS AND

REPORTS ON COMMITTEE ASSIGNMENTS

City Manager Malin thanked the public for being so welcoming. Legal Counsel Freeman had no comments.

Council Member Pacheco reported MPUSD is looking at initiating wifi at selected schools, and they are looking forward to working with City of. Reported attending a tourism marketing workshop where the presenters commented that social media is more trusted than websites and he will be bring it forward again at the Strategic Planning session. He did a fourth business walk in Seaside who are generally pleased with city services, three things were consistently noted as concerning: 1) homeless for loitering, littering and blocking pathways, 2) parking and 3) cost of city permits which discourage improvements to facades. He suggested consideration of waiving the fees for six months during the closure or repair of West Broadway to give them the opportunity to enhance the buildings during the closure. He closed by acknowledging Sandra Grey, Seaside Art employee for her recent Champion of the Arts award and requested the meeting be closed in honor of Mike Garner, a 30 year employee for the City of Seaside, local football coach, and great community member and Victor Noble, an employee who worked for the Redevelopment Agency for the City, Alpha Phi Alpha who donates scholarships to youth and founder of the Senior's pancake breakfast, both who made huge differences in our community.

Council Member Campbell requested City Attorney Freeman to responded to the comment made on the cell towers regarding the new legislation, and wanted to be sure that by inaction they will not be approved. Lastly requested to adjendize a study session on medical marijuana both economically and as a legitimate use for discussion and public input.

Council Member Alexander spoke to the mobile home alarm installation with Seaside Fire and Seaside High Student assistance. He spoke in support of the Fire Department and all their community efforts.

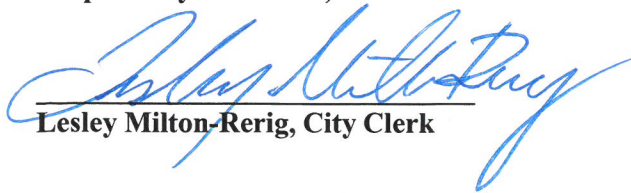
Mayor Pro Tem Oglesby spoke to events attended and thanked staff for the effort to put on the Senior Christmas party. He spoke to attending a form on the clean up of Fort Ord lands at the Bridge Center in Marina who did a good job putting information out to the public, and gave important information about how to clean up the lands for development. He spoke to the second year Cal Grip grant that was awarded and gave kudos to Chief Myers and the Youth Violence Prevention Task Force for her efforts. He reported the program is falling short due to the lack of a permanent building for the resource center and he asked the Council to affirm that we support the concept to have a center for youth permanently. Which includes location and adoption of the staff for the program.

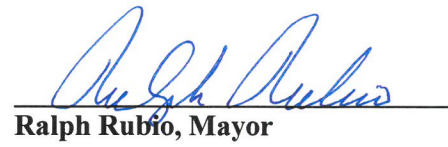
Mayor Rubio also noted that Mr. Nobel was a Rotarian. He reported on committee assignments and spoke in support of the violence prevention program and how things change quickly. He acknowledged that there were no homicides in 2015 and the efforts of this group and the Police Department who all contributed to that effort. He spoke to the recent discussions regarding regulating vacation rentals and that in the future we will need to consider a possible regulation for Seaside. He reported there was major progress on agreements championed by the MRWPCA and the water district regarding source water which were codified through the Mayors Authority and that he attended FORA to discuss affordable housing and housing that is affordable and what the obstacles are in the former Fort Ord which will continue to be considered in the future. .

11. ADJOURNMENT

On motion the meeting was adjourned at 9:08 in honor of Victor Nobel and Mike Garner.

Respectfully submitted,


Lesley Milton-Rerig, City Clerk


Ralph Rubio, Mayor

