FINAL MINUTES

CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
COUNCIL CHAMBER
Thursday, February 4, 2016
7:00 PM

1. **CALL TO ORDER**

Mayor Pro Tem Oglebsy opened the meeting at 7:00 PM.

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

PRESENT: Alexander, Campbell, Oglesby, Pacheco
ABSENT: Rubio

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**

Reverend Kenneth Murray provided the invocation.

4. **REVIEW OF AGENDA**

No changes were requested.

5. **ORAL COMMUNICATIONS**

Mayor Pro Tem Oglesby invited public comments

- Dan Pressor spoke to the council about the August 19-21, 2016 Veteran's Stand Down on Fort Ord. They are expecting up to 500 Homeless veterans, and families. He spoke to the activities that will occur during the event and he provided anecdotal stories about the benefits of the program. Volunteers, donated clothing and monetary donations are needed.
- Nina Beaty spoke that the MPUSD Tech plans for the school systems including a special initiative, project based learning requiring technology and the school district wants a private cellular network so children can have wireless devices constantly. She spoke against cell towers and suggested passing an ordinance prohibiting cell towers near schools as she believes research shows a linkage between cell towers and cancer and children are most vulnerable.
- Bill Weigle spoke to agenda item 7B TAMC and spoke in support of the proposed measure, including the Fort Ord Rec Trail and Greenway segments in and near Seaside. He cited it is consistent with the City's current plan and urged the Council to support the TAMC Transportation Investment Plan with special respect to the Project Recreational Trails including FORTAG.
- Kay Cline reported that AB 21 was signed by Governor Brown regarding medical marijuana and also spoke in support of the FORTAG project. She spoke to the benefits of the program, the consistency with the City's existing adopted plans and urged the community to support the TAMC Presentation as it will support healthy behavior and connect to CSUMB.

6. **PUBLIC AGENCY COMMUNICATIONS**

Francois Avery from the Seaside Art and History Commission announced the installation of the new exhibit for Black History Month. She acknowledged Ms. Ruthie Watts for her efforts for this exhibit, including artifacts. The reception will be February 21st at 3:00 PM.

7. PRESENTATIONS

A. 2016 JANUARY HOUSE OF THE MONTH

Lisa Emanualson Neighborhood Improvement Program Committee Commissioner presented the House of the Month award to residents of 1885 Andrew Court for beautifying and maintaining their property.

B. PRESENTATION FROM TRANSPORTATION AGENCY OF MONTEREY COUNTY TO DISCUSS THE DRAFT TRANSPORTATION INVESTMENT MEASURE EXPENDITURE PLAN

Executive Director Debbie Hale from the Transportation Agency of Monterey County made a presentation regarding the Draft Transportation Agency of Monterey County Investment Plan that may be on the ballot in November of 2016. She provided details of the dilapidation, safety and congestion deficiency of roads in Monterey County, indicating there are over $2 billion in improvement needs. The proposal includes 3/8 of once cent sales that will be applied to toward local projects. She spoke to the direct benefits to Seaside and to the projects that would be targeted if approved. TAMC is conducting public outreach to ensure that the projects listed are right for the community. She explained the timeline, the public outreach and the process to get the item on the ballot and requested feedback from the Council regarding their priority projects. Ms. Hale answered questions from the Council.

Council Member Alexander clarified that even though this tax will be voted for a general area, each city can determine how the funds can be spent. Council Member Campbell requested clarification regarding the matching funds and ongoing eligibility of the jurisdictions. Council Member Pacheco spoke in support of the Safe Routes to School program and other school safety programs.

8. CONSENT CALENDAR

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

RESULT:	**Approved**
MOVER:	Council Member Dennis Alexander
SECONDER:	Council Member Dave Pacheco
AYES:	Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco
ABSENT:	Ralph Rubio

A. APPROVE THE MINUTES FROM THE JANUARY 21, 2015 JOINT SPECIAL MEETING

Action: Approved

B. APPROVE MINUTES OF JANUARY 21, 2015 REGULAR MEETING

Action: Approved

C. APPROVE AND FILE CITY CHECKS

Action: Approved & Accepted

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE ADOPTING AS

AN OFFICIAL PLAN, THE 2015 MONTEREY COUNTY MULTI-HAZARD MITIGATION PLAN.

Action: Adopted Resolution 16-07

9. PUBLIC HEARING

A. CONSIDER APPEAL TO THE CITY COUNCIL OF FENCE EXCEPTION APPLICATION NO. FE-15-01 RULING OF THE PLANNING COMMISSION DENYING A FENCE EXCEPTION APPLICATION FOR A SINGLE FAMILY RESIDENTIAL PROPERTY AT 2090 CROSS STREET; THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA, CLASS 3, SECTION 15303(E), NEW CONSTRUCTION OF SMALL STRUCTURES.

Senior Planner Rick Medina presented the appeal item citing the location, geographic details and how the site plan relates to the fence exception. He spoke to the details of the property and the background of the property actions with the City. He provided the justifications from the applicant and the Planning Commission recommendations and findings. He explained that there was a lack of physical hardship to the property, the size of lot has alternate patio locations, the slope is general in all directions, and the street setback on a corner lot is intended to provide visual and physical buffer and provided photos of the property and explained the staff recommended that the City Council deny the applicant's appeal of the Planning Commission decision to deny the Fence Exception. Mr. Medina answered questions from the Council.

The Council requested further explanation of what a physical hardship qualifies as and requested clarification regarding the required set backs and open space requirements. They questioned if while working with staff, were there any alternatives proposed or any compromises made.

Mayor Pro Tem invited the applicant to present a rebuttal argument. The applicant spoke to the project, provided a chronology of the property as an owner/builder family effort. He spoke to the construction timeline, then he spoke to the efforts with staff to get the project through the approval process, he expressed frustration due to continued Planning Commission meetings due to lack of a quorum. He also speak to the attempts to provide qualifying alternatives and to the misunderstanding that he does not see or understand the physical hardship situation. Mrs. Virginia, homeowner also spoke to her frustration of the process. She has spoke to the problems she has had with pedestrians because of the path of travel of the high school and middle school students. She spoke to the permit costs to be able to get the permit and the lack of communication with staff and the hardship was not revealed until the project was almost done. Ms. Ramsay, applicant's wife spoke to the privacy issue that the fence would remedy and protection of their pets.

Mayor Pro Tem Oglesby opened the public hearing.

- Reverend H. H. Lusk expressed concern that the applicant could not be seen by the Planning Commission and spoke to other properties in the same area that have six foot fences. He encouraged making it easy for people to improve their property.
- Francois Avery, resident near to the applicant and spoke in support of the applicant's plans and that it will improve the property and the neighborhood.
- Kay Cline indicated that if they already have a six foot fence it seems that there would be a consistency to continue the existing 6 foot fence as long as it does not incurring visual impairments.

City Attorney Freeman indicated that Seaside is a General Law city, which is required to follow the government code. He read the possible exceptions for variances from the zoning code that would qualify under the law; GC 65906, Mr. Medina responded to questions from the Council and the applicant.

The Council questioned the communication process with the applicant, the deliberation and other opportunities discussed with the applicant regarding the fence location and it was revealed that the existing 6 foot fence was constructed prior to the regulations and is legal con conforming at this time but also had a fence exemption. City Manager Malin questioned the site proposed plan, and could the physical location of the lot, the spacial location in recommendation to the pedestrian pathway qualify for a spacial relationship.

Council Member Alexander, based on what he heard, he requested suggestions on variance exemptions. Mr. Freeman indicated that you can take into consideration structures that are existing, the granting of the previous fence exception, both of which are qualifying justifications.

On motion by Council Member Alexander and seconded by Council Member Pacheco and passed by the Following vote the City Council approved the appeal reversing the Planning Commission decision denying their application due to the fact there was a preexisting fence and they are asking to further the pre-existing fence due to the fact there are existing structures that factor into where that fence needs to be to preserve the privacy and that this fence will in no way create a health or safety hazard.

RESULT:	**Approved**
MOVER:	Council Member Dennis Alexander
SECONDER:	Council Member Dave Pacheco
AYES:	Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco
ABSENT	Ralph Rubio

Council Member Pacheco spoke to the Planning Commission decision and staff who correctly made their decisions by following the ordinance and zoning regulations but the point of the consistency in the other fences and efforts for improving the quality of your property also has value and should be considered.

Legal Counsel Freeman requested that this come back on the consent calendar approving the finding that were cited to justify their action, which they approved.

10. BUSINESS ITEMS

A. RECEIVE PRESENTATION OF THE JUNE 30, 2015 AUDITED FINANCIAL STATEMENTS, THE SINGLE AUDIT REPORT AND THE GANN LIMIT REPORT AND ACCEPT AND FILE REPORTS

Deputy City Manager Hodgson provided an introduction to the presentation on the 2015 audited financial statements. The Firm of Gallina LLP has provided the audit services for the past 3 years. Elba Guniga from the Firm Gallina LLP presented the results of the audit reporting that the City received an unmodified opinion on their financial statements. They were fairly presented and no material deficiencies were identified. She spoke to the new legal requirements that had to be implemented and how the City accommodated. The single audit report and major part that was tested was the Community Development Block Grant program which had a clean/unmodified program report. She also indicated that the auditors approved the GAN limit appropriations report that the Council adopts on an annual basis. The internal control policies were reviewed and tested and there were no areas that needed correction or lack of documentation to support that which was tested.

Mayor Pro Tem Oglesby invited public comments.

- Bill Weigle asked if there could be a rough estimate of the annual revenue, total annual revenue and total annual expenditures, for reference

Ms. Guniga responded to the question that said Page 21 of the report reveals the data requested. Ms. Hodgson responded to the question of intangible assets explaining it is accounting for water rights.

On motion by Council Member Alexander and seconded by Council Member Pacheco and passed by the following vote the City Council accepted the report.

RESULT:	**Approved**
MOVER:	Council Member Dennis Alexander
SECONDER:	Council Member Dave Pacheco
AYES:	Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco
ABSENT:	Ralph Rubio

B. CONSIDERATION OF A PROFESSIONAL SERVICES AGREEMENT WITH THE DORE GROUP FOR REAL PROPERTY APPRAISAL SERVICES FOR MONTEREY DOWNS AND MONTEREY HORSE PARK AND CENTRAL COAST VETERANS CEMETERY FOR A NOT TO EXCEED AMOUNT OF $124,975 WITH THE TOTAL COST TO BE REIMBURSED BY THE DEVELOPER

Action: Approved and Passed Resolution 16-08

Deputy City Manager Resource Management Services Ingersoll spoke to the item indicating that the City and Monterey County jointly worked on the proposal for the full 771 acres for approval. There was only one response to that proposal and that staff followed the process of negotiating a contract with the consultant with costs fully to be reimbursed by the developer. The value of the water will also be included in the appraisal. She spoke to the primary tasks included in the project and she indicated that this appraisal is necessary to continue negotiations on the property. Lance Dore, President of the Dore Group spoke to his experience wand also spoke to his previous contract for appraisal work on the Seaside Resort that has a variety of project elements in similar environments. Mr. Dore and Ms. Ingersoll answered questions from the Council

Mayor Pro Tem Oglesby invited comments from the public.

- Bill Weigle questioned how the 771 acres were calculated and questioned comments that the horse park plans to get the lands for free which was stated during a presentation Christine Monteif regarding the Fort Ord Reuse plan.
- Don Poston questioned how does that affect this appraisal process.
- Kay Cline questioned why the Veteran's Cemetery was considered part of this, as it is considered state jurisdiction at this point.

Ms. Ingersoll responded to questions posted, explaining it is 711.1 acres for the specific plan for the Monterey Downs, and 72.5 acres for the Oak Oval which is open space. She noted that staff will be working closely with the appraiser to make sure the footprint appraised is correct. If the horse park was provided free, with no compensation, it will not be assessed.

Council Member Campbell questioned the difference between an economic conveyance parcel and a public conveyance parcel to which Ms. Ingersoll explained they are different because the land is constrained as part of the deed restrictions. There is no appraisal needed with the public conveyance parcel.

On motion by Council Member Alexander and seconded by Council Member Pacheco and passed by the following vote the City Council approved the staff recommendation and approved Resolution 16-08 awarding a contract to the Dore Group for real property appraisal services for the Monterey Down, Monterey Horse Park and Central Coast Veteran's Cemetery.

RESULT:	**Approved**
MOVER:	Council Member Dennis Alexander
SECONDER:	Council Member Dave Pacheco
AYES:	Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco
ABSENT:	Ralph Rubio

C. RESOLUTION APPROVING A PROFESSIONAL SERVICES CONTRACT WITH PAVEMENT ENGINEERING INC. TO DESIGN DEL MONTE BOULEVARD PAVEMENT REHABILITATION FOR AN AMOUNT NOT TO EXCEED $51,260 AND INCLUDING THE PROJECT IN THE FISCAL YEAR 2015/2016 CAPITAL IMPROVEMENT PROGRAM FOR A TOTAL PROJECT BUDGET OF $350,000 FUNDED THROUGH THE AUTO CENTER BOND

Action: Approved and Passed Resolution 16-09

Public Works Services Manager - City Engineer O'Halloran spoke to the item which would utilizes the auto center bond proceeds which must be spent by June 30, 2016 otherwise loose its bond tax exempt status. Staff identified this location within the project area which has the highest daily transportation volume. The RFP was issued and one proposal was received. Staff has had had good success with this company and recommends moving forward with the contract. Mr. O'Halloran answered questions from the Council.

Mayor Pro Tem Oglesby invited public comment.

- Felix Bachofner spoke to the significant component of the work being the design work, and questioned the scope and limits of the design asking if it is a rehab of the road surface, and if the roadway will change in any way.

Mr. O'Halloran spoke to the geometric design being simple to match the road, changing the cross slope slightly. The constant will take soil and pavement samples and design a cross section to be put back into place, and hopefully it will include the recycled existing pavement and recycled base and pave on top of that.

On motion by Council Member Campbell and seconded by Council Member Alexander and passed by the following vote the City Council approved the staff recommendation and passed Resolution 16-09.

RESULT:	**Approved**
MOVER:	Council Member Jason Campbell
SECONDER:	Council Member Dennis Alexander
AYES:	Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco
ABSENT	Ralph Rubio

D. CONSIDERATION OF A SECOND AMENDMENT TO THE EXCLUSIVE NEGOTIATING AGREEMENT (ENA) WITH SEASONS MANAGEMENT, LLC FOR DEVELOPMENT OF A SENIOR LIVING AND MEMORY CARE FACILITY.

Action: Approved and Passed Resolution 16-10

Deputy City Manager Ingersoll spoke to the ENA extension request for Season's Management LLC. She spoke to the current status, next steps and indicated that she is getting the final CEQA screen check to be forwarded to RWG for their final review and hope we can release the documents sometime in March for public review. Should the City Council approve all components, FORA will have to approve a determination of consistency with the Base Reuse Plan before the developer can build the project. She noted the developer is in agreement with the revised time frame. Ms. Ingersoll answered questions of the Council.

Council Member Alexander clarified that there are no more project extensions. Mr. Della Cruz spoke in support of the New City Manager and they are feeling much more positive about the project. He spoke to how they will interface with the water district in that they are trying to get a variance, leaving the major utilities in the lower end and not bringing it all the way to Monterey road. He noted it may be a minor detail but may also be an issue. If everything is approved, construction can start in September.

Mayor Pro Tem Oglesby invited Public Comments on the item.

- Felix Bachofner thinks there is a better staff process that could be done and suggested building trigger language into these agreements so that projects don't get tied up administratively.
- Camille Groves is pleased to hear the staff is recommending the extension of the project and hopes the Council will do all it can to bring this to a fruition as soon as possible. She spoke to the abandon side and there are significant illegal dumping which occurs.

Ms. Ingersoll responded to the comments made by the public.

On motion by Council Member Alexander and seconded by Council Member Pacheco and passed by the following vote the City Council approved the second amendment to the Exclusive Negotiating Agreement with Season's Management LLC and passed Resolution 16-10.

RESULT:	**Approved**
MOVER:	Council Member Dennis Alexander
SECONDER:	Council Member Dave Pacheco
AYES:	Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco
ABSENT:	Ralph Rubio

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

City Attorney reported that the Governor did sign AB 21.

Council Member Campbell reminded the public that he meets with constituents on the 3rd Tuesday of each month and to email him if you are interested.

Council Member Alexander thanked Dave Fortune and Tim O'Halloran for meeting with the Friends of the Seaside parks program. He also congratulated the PD on significant arrests.

Council Member Pacheco spoke to the homeless coalition and that they received grant for a research of the homeless situation and the impact of the funds to prove the money allocated to the groups is having a positive impact in reaching the homeless needs. He reported the Dog Park committee is hosting a "Woof and Wine" fundraiser at Mediterranean Imports on Broadway and tickets are $20 each. he reported on his community meeting that residents want to see progress and see solutions. Focus areas are the library and transparency which can be solved through the use of social media and youth having opportunities for activities. There's a plan for the social media, and request that is be brought forth to the Council and as a community we can prove that it can add to the promotion of our city.

Mayor Pro Tem Oglesby agreed with the Police Department major arrests and spoke to an incident that occurred where local citizens helped take care of the injured before the first responders arrived. He reported that the Youth Violence Prevention Program Grant manager from the Board of State will be here for inspection and audit the week of the 15th and to the Gang Prevention Summit sponsored by the Boys and Girls club the was on January 30th that was impactful and engaging. The Seaside youth resource center is up and running, out in the community and are changing lives.

12. <u>ADJOURNMENT</u>

Meeting was adjourned at 9:49 pm

Respectfully submitted,

Lesley Milton-Rerig, City Clerk

Ralph Rubio, Mayor