FINAL MINUTES

CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
COUNCIL CHAMBER
Thursday, February 18, 2016
7:00 PM

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1. **CALL TO ORDER**

Mayor Rubio called the meeting to order at 7:05 PM.

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

Present: Alexander, Campbell, Pacheco, Oglesby, Rubio
Absent: None

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**

Pastor Elder Sims provided the invocation.

4. **REVIEW OF AGENDA**

No changes were requested.

5. **PUBLIC COMMENT**

Mayor Rubio invited comments from the public.

- Paul Wolf spoke to the Wildan Financial Impact Report for the Monterey Downs project requesting consideration of a few factors when reviewing the final draft including not only the increase in residential population but of visitor population and the infrastructure needs that brings. He also requested there is careful consideration of the mitigation measures recommended in the EIR and what the costs to the City of those mitigations will be, that will not be bore by the developer.
- Peter Keiser invited the public for a "40 days for life" vigil and spoke against the Planned Parent Hood abortion practices. He invited the public to pray and fast until the 20th of March.
- Kay Cline congratulated the Mayor for his selection as the Ruth Vreeland Public Official of the Year. She also invited the Council and the public to a meeting regarding the economics of the Monterey Downs project. She then spoke in support of the FORTAG Project informing the public of the TAMC meeting on February 24th at 9:00 am which is open for the public for comment.
- Sue Hawthorne thanked Sustainable Seaside for hosting the Wildan Analysis meeting and appreciated the Council Members who were present. It's a large analysis to digest, and she pointed out that there is a proposed museum as part of the Monterey Downs development which proposes to create 86 jobs, she believes to be a heavily inflated number when compared to other local museums and she encouraged a good review of realistic numbers prior to approving.
- Helen Rucker invited the Council and the public to events in honor of Black History Month. She thanked Sandra Grey and Ruthie Watts for the art display in the Avery Gallery and invited the public to attend a reception on Sunday February 21st. She also invited the public to attend the MPC Theater hosting a UC Santa Cruz Production on February 27, 2016 at 6:30 PM.

- Felix Bachofner thanked Council Member Pacheco for hosting his public meeting. He also, spoke to the website calendar requesting staff have adequate resources to make sure the public is informed of the City Council meetings. He requested the meeting be closed in honor of the passing of Dale Heikus.

6. PUBLIC AGENCY COMMUNICATIONS

Dr. Betty Lusk spoke representing Monterey Peninsula Unified School District and reported on the new programs to be implemented next year in the Monterey learning community. She spoke to the program in Seaside, a project based learning program that will empower students through technology based learning support. She spoke to Mr. Diffenbaugh's vision and requested that the City of Seaside provide a letter of support for the direction that they are moving, prior to the meeting on Tuesday, February 23rd. Mayor Rubio took the opportunity to thank Dr. Lusk for her work on the Board and agreed to send a letter.

7. PRESENTATIONS

A. PRESENTATION AND RECOGNITION OF THE 2016 SEASIDE FIREFIGHTER OF THE YEAR.

Fire Chief Brain Dempsey jointly with Mayor Rubio presented Firefighter Rick Meyer with the 2016 Firefighter of the Year award. He spoke to Firefighter Myer's accomplishments which earned him the award for which he was nominated and selected by his peers.

B. PRESENTATION AND RECOGNITION OF THE 2015 SEASIDE POLICE OFFICER OF THE YEAR.

Police Chief Vicky Myers jointly with Mayor Rubio introduced and acknowledged Detective Frank Salzillo for being selected as Police Officer of the Year. She spoke to Detective Salzillo's accomplishments and his nomination and selection.

C. PRESENT NEWLY ADOPTED STRATEGIC PLAN

City Manager Malin spoke to the newly adopted strategic plan. He did a brief overview of the objectives accomplished over the last six months. In looking at the 3 year goals, he spoke to the list of newly adopted objectives to cover the next six months.

8. CONSENT CALENDAR

Clerk Milton-Rerig requested a correction to the Minutes for Item 9 C. A member of the public requested to discuss Item F.

On motion by Council Member Alexander and seconded by Mayor Pro Tem Oglesby and passed by the following vote the City Council approved the Consent Calendar as amended with the exception of Item F.

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

A. **APPROVE MINUTES OF FEBRUARY 4, 2016 REGULAR MEETING**

Action: Approved as Amended

B. **APPROVE AND FILE CITY CHECKS**

Action: Approved & Accepted

C. **ACCEPT AND FILE THE CASH AND INVESTMENT REPORT FOR THE CITY OF SEASIDE FOR THE QUARTER ENDED DECEMBER 31, 2015.**

Action: Accepted and Filed

D. **REVIEW AND CONSIDER APPROVAL OF A MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM THE SEASIDE COMMUNITY YOUTH OUTREACH ORGANIZATION**

Action: Approved

E. **CONSIDERATION OF ASSIGNMENT OF EXCLUSIVE NEGOTIATING AGREEMENT FROM SEASONS MANAGEMENT, LLC TO SEASIDE SENIOR LIVING, LLC.**

Action: Accepted and Passed Resolution 16-11

F. **APPROVE RESOLUTION FORMALIZING DECISIONS MADE DURING CITY COUNCIL APPEAL OF FENCE EXCEPTION APPLICATION NO. FE-15-01 FROM PLANNING COMMISSION ACTION DENYING A FENCE EXCEPTION APPLICATION FOR A SINGLE FAMILY DWELLING LOCATED AT 2090 CROSS STREET.**

On motion by Council Member Alexander and seconded by Mayor Pro Tem Oglesby and passed by the following vote the City Council approved Resolution 16-12 formalizing the appeal decision of Fence Exception Application FE 15-01 for 2090 Cross Street.

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

G. **APPROVE NEW APPOINTMENTS AND REAPPOINTMENTS OF BOARD, COMMISSION AND COMMITTEE MEMBERS**

Action: Approved Appointments

H. **CONSIDER APPROVAL OF THE LIST OF COMPANIES TO PROVIDE ON-CALL SURVEYING SERVICES.**

Action: Approved and Passed Resolution 16-13

9. **ADJOURN TO CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY JOINT SPECIAL MEETING**

Mayor recessed the City Council Regular meeting and adjourned the City Council Joint Special Meeting at 8:02 PM and noted that all members were present.

10. **CONSENT AGENDA**

On motion by Council Member Alexander and seconded by Mayor Pro Tem Oglesby and passed by the following vote the City Council/Successor Agency Board approved the Consent Calendar as presented.

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

A. APPROVE AND FILE SUCCESSOR AGENCY CHECKS

Action: Approved & Accepted

B. ACCEPT AND FILE THE CASH AND INVESTMENT REPORT FOR SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF SEASIDE THE QUARTER ENDED DECEMBER 31, 2015.

Action: Accepted

11. BUSINESS ITEMS

A. RECEIVE THE 2015-2016 MID-YEAR BUDGET REPORT, ACCEPT AND FILE THE REPORT, PROVIDE DIRECTION TO STAFF AND CONSDER ADOPTION OF A RESOLUTION APPROVING THE PROPOSED 2015-2016 MID-YEAR BUDGET ADJUSTMENTS

Action: Adopted Resolution 16-14

Deputy City Manager Administrative Services Hodgson presented the report explaining the Operating Revenues have resulted in a $590,000 revenue increase and General Fund one time revenue increases totaling $837,796. She further explained the detail of the next decrease of expenditures of $40,710, due to unfilled positions resulting in a budgetary savings in this fiscal year but noted the full salary will be included in the next fiscal year budget. The Total Operating Surplus is $98,757 at this time. Ms. Hodgson provided a quick analysis of the reserves, and reported that we are not yet in compliance with the City Reserve policy and staff recommended that the one time unanticipated revenues be deposited into the reserves.

Next Ms. Hodgson and City Engineer O'Halloran detailed the most pressing general fund capital expenditures for consideration including the Youth Violence Prevention Program location, library repairs including heating, ventilation and the re-roof, the Police Department ventilation and partial office remodel including relocating security cameras, and the Fire Department heating and ventilation needs. The total costs for the proposed capital repairs would be $715,000 over two fiscal years. Ms. Hodgson and Mr. O'Halloran answered questions from the Council. The Council discussed the future projected revenues, prior commitments made for the Library renovation, the need for the renovation of the police department sergeant's office, the liability of the camera system and the City Hall HVAC system. Mayor Pro Tem Oglesby suggested researching how adding solar panels to City hall could offset some of the costs for the ventilation. He also expressed concern about keeping the public informed of the water fund. The City Council requested clarification regarding the large deficit in the water fund to which Mr. O'Halloran indicated there is a rate study being conducted to answer that question and will be presented at the March 3rd meeting.

Mayor Rubio invited comments from the public

- Felix Bachofner spoke to the constant approval of items the City Council that is above the approved budget and prescribed setting aside a discretionary fund that is not allocated to specific projects.

The Council discussed their respective priorities with regard to the needed proposed projects as well as the need to fund the reserves to the policy level.

City Manager Malin spoke in support of the fruitful discussion and suggested that the presentation was to give an idea of the CIP priorities ahead that could benefit from one time funding. He recommended that the City Council approve the budget modifications and park the money in the reserves until staff can bring back a formal proposal for capital improvement project spending.

On motion by Council Member Alexander and seconded by Council Member Pacheco and passed by the following vote the City Council accepted and filed the 2015-16 Mid Year Budget Report and adopted Resolution 16-13 approving the operating adjustments and designating the excess revenues to be placed in the capital reserves with a recommended future spending proposal to be made by staff for the capital improvement project within 30 days.

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

Going forward Council Member Campbell requested staff clarification of the priorities of each project and more detail of the risk and impacts of each of the projects. Mayor Pro Tem Oglesby continued to advocate for a permanent location for the Youth Violence Prevention Program.

12. RECONVENE CITY COUNCIL REGULAR MEETING

The City Council reconvened the Regular Meeting at 9:11 PM.

13. BUSINESS ITEMS

A. CONSIDER APPROVAL OF A COST-NEUTRAL REORGANIZATION OF CITY DEPARTMENTS AND A RESOLUTION MODIFYING THE POSITION CONTROL LIST TO ADD THE CLASSIFICATIONS OF RECREATION DIRECTOR AND HUMAN RESOURCES DIRECTOR AND ESTABLISH THE SALARY FOR THE POSITIONS

City Manager Malin presented the item providing background on the presentation from previous City Manager John Dunn and his proposal for reorganization of City Departments for more operational efficiency. He noted that the proposed organization is cost neutral because the City Manager's office does not require as much assistance and some cost savings can be realized. He spoke to the current organizational layout and the changes proposed to flatten the organizational structure. The purpose of the changes is to expand the leadership team to be able to accomplish more. It will be cost neutral, flatten the organization, expand the leadership team and build capacity now and in the future.

Mayor Pro Tem spoke to the discussion at the Strategic Planning session and expressed concern regarding expanding bureaucracy and increasing salaries to go with it but spoke in support of the proposed organizational structure. Council Member Pacheco spoke in support of the proposal, specifically elevating the Recreation Department.

Mayor Rubio invited comments from the public.

- Felix Bachofner spoke in general support. He questioned it truly being cost neutral and recommended reducing the salaries of those who are having the departments taken out from under their purview. He also strongly urged the Council to consider requesting these positions to do the jobs for the same price until the salary survey is completed.
- Kay Cline questioned the Youth Violence Prevention position vacancy noting it is an important position and questioned if there are intentions to fill it.

City Manager Malin indicated that the Youth Violence Prevention Manager position is budgeted and is being solicited for recruitment. Human Resources Manager Greathouse spoke to the salaries and benefits of Seaside employees and indicated that the costs Mr. Bachofner referenced is inclusive of salaries and benefits and that the City of Seaside staff does not have over 100 employees making over $100,000 per year.

On motion by Council Member Alexander and seconded by Mayor Pro Tem Oglesby and passed by the following vote the City Council approved the cost neutral reorganization of the city departments and Resolution 13-15 modifying the proposed position control list to add the classification of Recreation Director and Human Resources Director and establish the salary for the positions.

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

B. CONSIDER APPROVAL OF A POLICY FOR PUBLIC USE OF AUDIOVISUAL INFRASTRUCTURE DURING PUBLIC MEETINGS

City Clerk Milton-Rerig presented the draft policy, outlining the elements of the proposed policy and how it would be facilitated if adopted. The City Council asked questions of Ms. Milton-Rerig.

Mayor Rubio invited public comments on the item.

- Bill Weigle spoke to his previous requests for projecting documents during the meeting and requested clarification of the content that is allowed to be shown.
- Sue Hawthorne believes it is still overly restrictive and could have an overhead projector that would mitigate the perception that this council is not trying to censor information.
- Kay Cline spoke to process of the handouts allowed to be projected during meetings at different jurisdictions and the policy needs to be responsive to the public. She spoke to the fact some people are visual learners.
- Gertrude Smith said this policy will be used as a tool for alienation and will serve that purpose one way or another.
- Felix Bachofner disagreed with the content restriction that content be germane to the jurisdiction, that there is no need for a 24 hour waiting period and he disagrees with the proposed risk to the network security but thinks this is a tool to silence public input. He requested that the content of what could be projected be clarified, specified.

Mayor Rubio responded to Mr. Weigle's comments regarding his rejected document for projection indicating that the night he requested to project pictures of people shooting horses in the head there was a room full of children and he was unwilling to expose them to that. He explained that this policy is an attempt to compromise. He clarified that the public will be able to project pictures if they are brought to City Hall, in advance, and can be shown during the three minute comment period. As far as how we determine content, City Attorney Freeman spoke to the way it was written to keep it broad intentionally, but that if questioned the speaker might have to explain if necessary how it relates to the city. The policy includes the 24 hour requirement to be able inform the person if the connection is not immediately understood.

The City Council discussed the elements of the policy, requested clarification on first amendment rights and if this would be considered constrictive of those rights. Council Member Campbell believes the 24 hours policy is restrictive, as well as restrictive on the content and spoke in support of allowing unrestricted topics.

Council Member Pacheco moved to approve the staff recommended policy as written, seconded by Council Member Alexander.

Council Member Campbell requested a friendly amendment to the policy to eliminate the 24 hour requirement. Council Member Pacheco disagreed stating that this is a good starting point for moving forward.

On motion by Council Member Pacheco and seconded by Council Member Alexander and passed by the following vote the City Council approved the staff recommendation and proposed draft policy for the public use of audio visual infrastructure during public meetings.

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

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

The City Council wished Ms. Helen M. Schmelz Happy Birthday as she turned 100 years old!

Council Member Campbell attended the Mosquito Abatement District and updated that there has been no West Nile Virus cases in our county to date. The mosquito with the Zika vicus has also not been found in our community at this time.

Council Member Alexander indicated that he and Council Member Pacheco are working on the Wag and Wine event for the dog park. Spoke to Dr. Lusk's efforts and that he took Seaside High School students to the Court House for a field trip and that it was a preventive hearing.

Council Member Pacheco spoke of the MPUSD Board that they are revolutionizing the education for the District and are focusing on technology, jobs skills and are being proactive for training for life skills.

Mayor Pro Tem Oglesby requested staff to stay focused on receiving Seaside's fair share of funding from FORA for building removal and remediation and look at how it can be done prior to 2020. He reported on efforts to push hard at prevailing wages as some of the contractors are not being paid their fair share. He spoke in support of the reorganization of the city structure, but also encouraged looking at different ways of compensating folks, including the use interns or part time workers to help reduce workloads. He spoke to events attended and ended with congratulating Mayor Rubio for his public award.

Mayor Rubio spoke to the award being a big surprise. He also reported on his selection to attend the National Security Council at the War College in Pennsylvania. This is going to be important because of NPS expanding it's scope on national security and he will be representing Seaside. he reported on attending different meetings and committee assignments and reported that the issue being discussed again by PRORAC is the issue of affordable housing. He spoke in support of attending the Career Fair at Central Coast High School and that they are doing an excellent job and have embraced a way to accomplish their educational goals for the students.

15. CLOSED SESSION

Both closed session items were continued to the March 3rd City Council meeting.

A. PURSUANT TO GOVERNMENT CODE 54957.6 - CONFERENCE WITH LABOR NEGOTIATORS

Action: Continued

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

Action: Continued

16. ADJOURNMENT

The meeting was adjourned at 10:34 PM and was closed in honor of the passing of Dale Heikus.

Respectfully submitted,

Lesley Milton-Rerig, City Clerk

Ralph Rubio, Mayor