



CITY OF SEASIDE
CITY COUNCIL

FINAL MINUTES

REGULAR MEETING
COUNCIL CHAMBER
Thursday, May 5, 2016
7:00 PM

1. **CALL TO ORDER**

Mayor Rubio called the meeting to order at 700 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**

City Attorney Freeman requested to add an emergency item to the agenda and that it be placed at the end of the agenda. It's a letter from the WMPWM asking for support regarding the redrawing of the water areas of the Seaside groundwater basin and because Seaside has an adjudicated basin, it's not a public agency and this letter asks the state to recognize this. The Council approved to add the item as 10C.

5. **PUBLIC COMMENTS**

Mayor Rubio invited comments from the public

- Helen Rucker spoke to the improved maintenance of the City Hall lawn and asked that the staff be complimented on their grounds keeping at City Hall.
- Rachel Kristoferson spoke regarding the Monterey Downs project and made statement applauding the long term viability and sustainability, but criticized the short term economic gain, high economic risk and a high environmental impact. She proposed a modified plan, developing the space for outdoor uses even those that could be reserved for special events and weddings as a revenue source.
- Ray Dandridge spoke in support of development and expressed concern regarding increased water charges. He spoke to the City's dilapidated infrastructure and does not understand how we can take care of the increased influx of people without improvements to infrastructure. He spoke to our need for better and more jobs.
- Michael Ward, commander of the American Legion reminded and invited the public to the Memorial Day services on May 30th at 11:00 AM and indicated the peace and fire war center to honor the fire service members has not been forgotten.
- Terry Baer spoke successfully of the Council support for the Patriot Housing Program passed on November 5, where the City of Seaside donated \$35,000 for veteran housing rehabilitation. He reported the six units have been renovated and all are occupied. This partnership has provided a solution to the homeless veteran problem locally. He proposed the \$2700 was left over and proposed the VTC could match that to add an additional unit. He thanked the Council and the Army for their support.

Mayor Rubio thanked him and spoke to it being a pilot program that can be replicated.

6. **PUBLIC AGENCY COMMUNICATIONS**

Deputy Police Chief Lumpkin made a service announcement to the community that Police Department lobby will be under construction on Saturday May 14th and will be closed to the public. He apologized for the inconvenience and directed people to call the non-emergency number if there is a need for services.

Commander Borges spoke to the Heroes 4 Kids program, a fundraiser from the Seaside Police Department supporting the Lucile Packard Children's Hospital. He provided a brief background of the program and invited the public on May 28th to a free community event and BBQ from 12 to 4 PM to bring the community together and help support this cause. This was taken on as a service project for the Police Department.

7. **PRESENTATIONS**

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

Mayor Rubio and NIPC Member Ramona Oleta-Reed presented the award to the property owner at 1241 Military avenue for beautifying and maintaining the property.

B. **PROCLAMATION RECOGNIZING THE MONTH OF MAY AS "POPPY MONTH"**

The American Legion Auxiliary members presented the Council and members of the public with a representative poppy to recognize Veterans during the month of May, which were made by wounded veterans.

8. **CONSENT CALENDAR**

Item 8C was pulled from the consent agenda. Mayor Rubio invited comments from the public and had no requests to speak.

On motion by Mayor Pro Tem Oglesby and seconded by Council Member Campbell and passed by the following vote the City Council approved the Consent Calendar as presented with the exception of item 8C.

On motion by Mayor Pro Tem Oglesby and seconded by Council Member Campbell and passed by the following vote the City Council approved the Consent Calendar as presented with the exception of item 8C.

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

A. **APPROVE MINUTES OF APRIL 21, 2016**

Action: Approved

B. **APPROVE AND FILE CITY CHECKS**

Action: Approved

C. CONSIDER THE APPROVAL OF THE TRAFFIC ADVISORY COMMITTEE (TAC) RECOMMENDATIONS

Action: Approved

Mayor Rubio requested the item be pulled it so that Item 2 could be sent back to the TAC for further consideration and study.

Mayor Rubio invited public comment on the item.

- Clementine Bonner Klein requested the Council endorse the traffic calming policy to endorse creative solutions to reduce the speed on Luxton Street. She spoke to the traffic survey results and the proximity it came within to qualify for traffic calming, and the impacts that the changes, or lack thereof, has on the community.
- Sherifa Crandall thanked the Council for the red paint increased on her residential street as well as spoke in support of the comments made on Luxton. It's a residential street and it is a neighborhood street with families and kids and traffic should be slower to protect them.
- Amy also spoke in support of the traffic calming measures on Luxton. She said that the high speeds are a frequent occurrence on the street and requested that the Council consider approving better traffic calming measures.

Mayor Rubio closed public comment.

Council Member Campbell expressed support for sending it back to the TAC encouraged staff-TAC-resident cooperation for a solution.

On motion by Council Member Alexander and seconded by Council Member Pacheco and passed by the following vote the City Council approved items 1 and 3 as presented and requested item 2 be returned to the TAC for further consideration and development of a solution.

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

9. PUBLIC HEARING

A. CONSIDER ADOPTION OF A RESOLUTION APPROVING THE 2016-2017 ANNUAL ACTION PLAN UNDER THE CITY OF SEASIDE'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

Action: Approved 16-38

Economic Analysis Mikesell make the presentation providing the history of the Council's approval of the CDAC recommended funding allocations at the April 21st, 2016 meeting. She recapped the different funding allocations and details of the annual action plan projects then answered questions from the Council.

Mayor Rubio opened the Public Hearing and invited public input on the item.

- Carl Braginsky from the Salvation Army in Seaside and thanked the Council for considering the request for funding and spoke to their program that the services the organization provides.

The Public Hearing was closed.

Mayor Pro Tem Oglesby thanked the CDAC and staff for the work putting this program together. He requested consideration for the future to find ways to reduce the program administration costs so that more money can flow into the community. Council Member Pacheco agreed with the appreciation of the CDAC members. Mayor Rubio agreed and thanked staff for forgoing the use of a consultant and still developing a quality plan for consideration.

On motion by Mayor Pro Tem Oglesby and seconded by Council Member Pacheco and passed by the following vote the City Council approved the staff recommendation and adopted Resolution 16-38 approving the 2016-17 annual action plan as presented.

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

B. PUBLIC HEARING TO CONSIDER PROPOSED TEXT AMENDMENTS TO CHAPTER 10.04 AND CHAPTER 10.32 OF THE SEASIDE MUNICIPAL CODE TO PROHIBIT THE PARKING OF RECREATIONAL VEHICLES, TRAILERS, AND PROHIBITED VEHICLES ON CITY STREETS, ALLEYS, PUBLIC RIGHT-OF-WAYS, AND PUBLICLY OWNED PARKING LOTS. (SECOND READING – ROLL CALL VOTE).

Action: Continued

City Attorney Freeman reported that there were changes requested to be incorporated into the second reading of the draft ordinance which were not made so the item will be continued to the next meeting.

On motion by Mayor Pro Tem Oglesby and seconded by Council Member Alexander and passed by the following vote the City Council continued the public hearing item to the May 19, 2016 meeting.

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

10. BUSINESS ITEMS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE APPROVING THE 2016 FIREWORKS OPERATIONS PLAN AND THE 2016 FIREWORKS SURCHARGE PERCENTAGE.

Action: Approved Resolution 16-39

Fire Chief Dempsey presented the report, the third year presenting the operations plan for the Holiday Event as required by the Municipal Code. He outlined the costs for the Fire Department, the Police Department and the Public Works staff that require additional staffing for arrests, citations, fireworks calls for service and clean-up efforts from the holiday. He reported the staff recommendation of a 7% surcharge which would cover the cost of enforcement for the event. Chief Dempsey answered questions from the Council.

Council Member Alexander questioned the use of the electronic signs informing of the no tolerance policy and why were they displayed there if there was no enforcement. Chief Dempsey said staff will address that. Council Member Pacheco requested the costs from the enforcement and how it was funded previously to which Chief Dempsey reported that in 2015, the costs exceeded the fee collected by almost \$4,000. Mayor Pro Tem Oglesby questioned why the suggestion is 7% to which the Chief said that is the anticipated expenses for enforcement as part of the plan. The purpose was to take the burden off the general fund.

Dennis Revel from TNT Fireworks spoke in support of Chief Dempsey's proposed plan. He spoke to the formulation of this plan and the expenses that are allowed as part of this surcharge. He indicated that statewide illegal fireworks continue to be an issue, and on a state level, it's been ineffective to stop them which leaves it to the local jurisdictions to protect the community. They are seeking ways to expand that public safety enforcement option. He introduced the "Nail'em" illegal fireworks reporting app, a pilot program, which will allow people to take pictures, geocoded, text message or voice message which then can be transmitted and reported to designated individuals.

Council Member Pacheco requested clarification regarding the ability to charge fees for public works services, which were already existing, but that we can now charge and be within the perimeters of the law, to which Mr. Revel says it is allowable.

Mayor Rubio invited public comment on the item.

- Diane Warden, American Legion Auxiliary spoke against raising the % fee as there was an increase in sales because there was an increase in pricing so it's relative, both which reduces the total profit to the fundraisers.
- Ray Dandridge said last year was the worst year had seen for fireworks as they started days early and the police were not able to enforce. He requested consideration of taking care of that.
- Helen Rucker indicated that it's difficult to determine the distinction between illegal and legal and spoke to fear of the possibility of fires in residential homes. Thinks it appropriate that the increase be given to the city to clean up and. She agreed with Mr. Dandridge.
- Miriam Smith said that the fireworks issue is important to consider young people and spoke to not banning the fireworks as they are fun for the kids and it criminalizes the area.
- Gertrude Smith spoke to fireworks being an anticipated celebratory tool for the holiday and said we should be creative for enforcing safety regulations. The raised fee has not acted as a deterrent. Suggested working collaboratively as a community to keep everyone safe.
- Alice Jordan from the Kiwanis thanked the Council for having an avenue for fundraising for supporting the community that allowed the group to distribute scholarships for kids she requested the Council to support the fireworks efforts for the impacts it makes to the kids.

Mayor Rubio distinguished the difference between illegals, those that are in the air and those that you hear. He spoke to efforts to tax the activity that causes the issue to be better than making the general public pay for the cost of services brought by select individuals.

Council Member Campbell requested an opinion of the illegal fireworks reporting app. Dempsey said he has not had the opportunity to fully vet the program, but appreciates the information to be able to target in the future does make sense. Council Member Pacheco expressed concern we would charge more than the cost to clean up, as well as the youth and families obeying the law using legal

fireworks. He thinks this is punishing people doing the right thing. He indicated that the City of Marina will keep their rate at 4% and we should model that to try to maximize the revenue to the fundraising groups. Mayor Pro Tem Oglesby spoke in support of Council Member Campbell's comments and then spoke to the Council's efforts to balance the competing interests of the citizens and that the primary interest must be to public safety. Mayor Rubio spoke to Salinas's ordinance that allows for the fine to be applied to the property owners who allows the illegal fireworks on their properties and that we should monitor its success.

On motion by Council Member Alexander and seconded by Council Member Campbell and passed by the following vote the City Council approved Resolution 16-39 and the fireworks annual action plan with a 7% surcharge for the 2016 4th of July holiday season.

RESULT: **Approved**
MOVER: Council Member Alexander
SECONDER: Council Member Campbell
AYES: Alexander, Campbell, Oglesby, Rubio
NOES: Pacheco

B. ADOPT A RESOLUTION APPROVING THE DOCUMENTS OF A LEASE/PURCHASE FINANCING FOR VARIOUS ENERGY EFFICIENCY CAPITAL PROJECTS AND AUTHORIZING THE CITY MANAGER TO SIGN THE DOCUMENTS.

Action: Approved

Deputy City Manager Hodgson presented the item to approve the formal documents for the lease purchase for energy projects for the City, as authorized to proceed forward at the last meeting. This item is formalizing the approval by resolution and the agreement will be authorized to fund allowing staff to proceed with the projects.

Council Member Campbell questioned when we will begin to pay interest and when it begins to compound and the timeline for implementation to begin reaping the cost savings. Ms. Hodgson spoke to the schedule to implement each of these projects and noted the interest will begin to compound immediately upon distribution. Mr. O'Halloran indicated there is a solicitation on the street for a solar company to install the panels and a proposal being developed for the HVAC, the library and fire stations. The time frame for the solar panels is a year for the project to be complete. The lease purchase financing was done to speed up the process.

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

On motion by Mayor Pro Tem Oglesby and seconded by Council Member Alexander and passed by the following vote the City Council approved Resolution 16-40 approving the lease/purchase financing agreements for various energy efficiency capital projects.

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

C. EMERGENCY ITEM: AUTHORIZE MAYOR TO SIGN LETTER OF SUPPORT TO THE STATE WATER RESOURCES CONTROL BOARD REGARDING BOUNDARY REDISTRICTING FOR THE SEASIDE GROUNDWATER BASIN

City Attorney Freeman indicated it was a matter of urgency, brought to his attention yesterday that this letter must be submitted to SRWRCB by May 15th, 2016. He explained the importance for the City to take action at this meeting as the proposed letter supports a redrawing of the boundary around the water adjudication of the Seaside Basin; it exempts us from the regulation from the Department of Water Resources. Mr. Freeman indicated that staff and Special Water Legal Counsel have reviewed and agrees with the document.

Mayor Rubio invited comments from the public.

- Felix Bachofner requested sending this at a later date and appropriately agendaizing so there could be full review.

Mayor Rubio responded to comments made speaking to the due date of May 15th and that he had authority to sign without the Council approval but requests it. If we delay, we will miss the filing date and will have additional restrictions imposed.

Council Member Campbell expressed dismay with supporting the item with such a short time line for review. Legal Counsel Freeman tried to explain the item in more detail indicating the letter is giving factual information to the State agency to prove that they are exempt.

On motion by Council Member Alexander and seconded by Council Member Pacheco and passed by the following vote the City Council authorized Mayor Rubio to sign the letter and send as presented.

RESULT:	Approved
MOVER:	Mayor Pro Tem Oglesby
SECONDER:	Council Member Alexander
AYES:	Alexander, Oglesby, Pacheco, Rubio
NOES:	Campbell

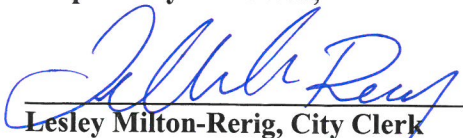
11. MAYOR, CITY COUNCIL, CITY MANAGER AND CITY ATTORNEY COMMENTS AND REPORTS ON COMMITTEE ASSIGNMENTS

Acting City Manager Hodgson reported that there is an all-employee in service day and city hall will be closed on Friday. Council Member Alexander reported that the Seaside High School graduation is at 11:30 AM, earlier than in year's past. Council Member Pacheco spoke to the reduced taxi drivers due to the increase in Uber Drivers. Mayor Pro Tem Oglesby spoke to the need to improve the other 35 parks in the city. He then spoke to the issue of residential parking which needs to be revisited, which is a long standing issue, and there are things we can do to improve our codes to improve the quality of life for residents. Mayor Rubio agreed to discuss residential parking and staff will bring back options for enforcement to the Council. He spoke to comments and meetings with CSUMB and MPC to encourage Seaside kids to attend college and has a plan that will be revealed at a later date.

12. ADJOURNMENT

On motion, the meeting was adjourned at 9:13 PM.

Respectfully submitted,


Lesley Milton-Rerig, City Clerk


Ralph Rubio, Mayor