



FINAL MINUTES

CITY OF SEASIDE
CITY COUNCIL

MEETING
COUNCIL CHAMBER
Thursday, June 16, 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**

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

4. **REVIEW OF AGENDA**

No changes were requested.

5. **PUBLIC COMMENT**

- Nina Beaty spoke on the rare plants on public exposure on smoke and any of the land above Ft. Ord. Implicates asthma, the burns are toxic. Is asking for the burnings to stop this practice.
- Kay Cline, seaside resident- thanked the City for inviting her to be on the Task Force and wanted to inform the public that at www.seaside2040.com a survey can be taken and results will be used by the General Plan consultant. There will be a table booth at National Night Out for more public outreach.
- Alex Miller spoke in support of protecting our youth and announced the birth of his daughter. Congratulations!

6. **ORAL COMMUNICATIONS**

7. **PUBLIC AGENCY COMMUNICATIONS**

None.

8. **PRESENTATIONS**

Action: Presentation Received

A. **PROCLAMATION FOR SEASIDE POLICE OFFICER MATTHEW BLACKMON IN**

RECOGNITION OF HIS DRIVE, DEDICATION AND COMMITMENT TO THE SAFETY AND PROTECTION OF THE CITY OF SEASIDE

Action: Presented

B. PROCLAMATION FOR SEASIDE POLICE OFFICER FRED CARLIN IN RECOGNITION OF HIS ACTIONS OF VALOR IN PROTECTING THE CITY OF SEASIDE AND HIS FELLOW SEASIDE POLICE OFFICERS

Action: Presented

C. PROCLAMATION RECOGNIZING THE MONTH OF JUNE 2016 AS IMMIGRANT HERITAGE MONTH

Action: Presented

9. CONSENT CALENDAR

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 Agenda as resented with the exception of items B, F and G.

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:	N

A. APPROVE AND FILE CITY CHECKS

Action: Approved

B. APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM MONTEREY JAZZ FESTIVAL SPONSORING THREE SEASIDE STUDENTS FOR THE MONTEREY JAZZ FESTIVAL COUNTY ALL-STAR BAND TRIP TO LOS ANGELES AREA

Action: Approved

Mr. Mancini requested the item be pulled and on question, asked Council to give a thousand for the youth to go to the Monterey Jazz Festival trip to Los Angeles. Recreation Supervisor, Dan Meewis, spoke and confirmed the amount listed is the total amount allowed based on their policy. 20% can be sponsored based on the charged amount.

Mayor Rubio opened public comment and a citizen questioned why the policy is only 20%.

On motion by Council Member Campbell and seconded by Council Member Pacheco and passed by the following vote the City Council approved the contribution request from the Monterey Jazz Festival for the All Star Band Trip to Los Angeles.

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

C. CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

SEASIDE APPROVING REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FUNDS WITHIN THE SEASIDE 2015-2016 OPERATING BUDGET IN ACCORDANCE WITH CDBG SUBSTANTIAL AMENDMENT #1 TO THE 2015-2016 ACTION PLAN

Action: Approved

- D. APPROVE AN AGREEMENT WITH THE SEASIDE COUNTY SANITATION DISTRICT TO REIMBURSE THE CITY FOR UPGRADES TO THE SANITARY SEWER SYSTEM AS A PART OF THE WEST BROADWAY URBAN VILLAGE INFRASTRUCTURE IMPROVEMENTS PROJECT**

Action: Approved

- E. APPROVE CONTRIBUTION REQUEST FROM MAYOR'S YOUTH FUND FOR SEASIDE HIGH SCHOOL FOOTBALL TEAM FOR THE COSTS ASSOCIATED WITH PURCHASING JUNIOR VARSITY AND VARSITY UNIFORMS**

Action: Approved

- F. AWARD A CONTRACT TO TRANE U.S. INC. IN THE AMOUNT OF \$200,872 FOR REPLACEMENT OF THE HEATING AND VENTILATION SYSTEMS AT THE SEASIDE LIBRARY**

Action: Authorized

Item was pulled by Council Member Campbell who expressed his concern on the work listed on the contract that they will not do and requested staff to explain. Civil Engineer Rick Riedl, answered his questions stating the problem with the system is that it is old and it is more cost effective to replace rather than fix it. There are no issues with the ducting.

Mayor Rubio invited Public Comments on the item.

- Nina Beaty spoke on her own personal experience and suggests to protect the staff and patrons to have the duct to be cleaned out. Hopes there will be a bond.
- Felix B. suggested staff investigate and clean the ducts.

On motion by Council Member Pacheco and seconded by Council Member Alexander and passed by the following vote the City Council approved the agreement and requested that the project proceed at minimal costs and ask the contractor to catch any reminisce.

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

- G. AWARD A CONSTRUCTION CONTRACT TO GARLAND/DBS, INC. IN THE AMOUNT OF \$95,848 FOR REPLACEMENT OF THE YOUTH AND EDUCATION CENTER ROOF AND HVAC SYSTEMS**

Action: Authorized

Item G was requested to be pulled by Felix Bachofner who expressed concerns if the roof really needs to be replaced. He Asked for details on what kind of roof will be installed, costs of the roof vs HVAC system questioning the \$100,000 cost. He also questioned the nature of the bidding process and the comparative prices.

Staff spoke to the building's location as 1136 Wheeler Street, explained what kind of roof exists and what will be removed and cleaned. The bidding amount includes the gutters and HVAC. In the prior meeting, the agenda explained how the bidding process is conducted.

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 staff recommendation.

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

H. APPROVE A RESOLUTION MODIFYING THE POSITION CONTROL LIST TO ADD THE CLASSIFICATIONS OF YOUTH RESOURCE CENTER COORDINATOR AND YOUTH RESOURCE CENTER ACTIVITY COORDINATOR AND ADJUSTING THE 2016-2017 ADOPTED BUDGET

Action: Approved

I. NOMINATE JAMES BOGAN TO THE CALIFORNIA CENTRAL COAST VETERANS CEMETERY ADVISORY COMMITTEE

Action: Approved, Authorized and Adopted

10. PUBLIC HEARING

This was a second reading of the draft ordinance.

There were no requests to speak.

On motion by and seconded by Council Member Dave Pacheco and passed by the following vote the

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

A. CONSIDER THE SECOND 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 (SECOND READING)

This was a second reading of the draft ordinance.

There were no requests to speak.

On motion by and seconded by Council Member Dave Pacheco and passed by the following vote the

RESULT:	Approved
MOVER:	Council Member Dennis Alexander
SECONDER:	Council Member Dave Pacheco

AYES:	Ralph Rubio, Ian Oglesby, Dennis Alexander, Dave Pacheco
NOES:	Jason Campbell

B. APPEAL OF USE PERMIT APPLICATION NO. UP-15-04. FAITH LUTHERAN CHURCH, PROPERTY OWNER AND SAC WIRELESS, APPLICANT, ARE APPEALING TO THE CITY COUNCIL THE DENIAL OF A USE PERMIT APPLICATION BY THE PLANNING COMMISSION WHICH WOULD ALLOW FOR THE CONSTRUCTION OF A 40-FOOT TALL CHURCH STEEPLE TO ACCOMMODATE AN UNMANNED TELECOMMUNICATION WIRELESS FACILITY THAT WOULD INCLUDE A TOTAL OF 12 SIX-FOOT TALL PANEL ANTENNAS ON THE THREE SIDES OF THE NEW CHURCH STEEPLE AND ASSOCIATED GROUND MOUNTED EQUIPMENT WITHIN A FENCED AREA AT THE REAR OF THE CHURCH. THE PROJECT SITE IS LOCATED AT 1460 HILBY AVENUE IN THE RS-8 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT (APN: 012-402-088). THE PROJECT IS CATEGORICALLY EXEMPT CLASS 3, SECTION 15303(E) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES

The item was presented by Rick Medina, Senior Planner. Mayor Rubio recused himself because he has property located on Waring. Tip May, with Telecom Offer, took over presentation on the Legal considerations of Verizon appeal and explained the Telecommunications Act of 1996 and answered questions the Council had. The Council directed several questions for Mr. May. State laws apply first, if Verizon is denied all options and locations proposed, it's then taken to a Federal level. Possibility, Verizon may file a lawsuit and win the case.

Verizon Spokesperson, Patricia Knight. Verizon was willing to work with Planning to reach a compromise, but denied. The proposal was originally passed by Planning but then later denied after receiving complaints from neighbors. Another Verizon Spokesperson, Paul Albright, stated Verizon network is not able to meet the high demands of operation. Understands the great fear is the exposure of radio frequencies. Will conduct tests and address those concerns. Willing to work towards a solution with the City rather than impose on the community and its citizens.

Mayor Rubio Invited comments from the public.

- Meredith Tucker, resident; presented her hand out on screen. U.S. Code 332 on Mobile Services. City retains its authority over local land use.
- Emily Green, resident; Oppose the proposal
- Stephanie Booth; Presented pictures showing 5 bars of coverage on Verizon, residence on Waring. Oppose the proposal (handed pictures to Campbell- twice)
- Resident and church member, spoke on opposing the proposal.
- France Law, resident- opposed proposal
- Nina Beattie resident of Seaside; opposed the proposal
- Resident, asked if Verizon can look at Seaside as a whole.
- Gertrude Smith, thanked the neighbors for being diligent in doing their research.
- Lisa Mason resident, asked Council to continue proposal and have more of a global view on the issue
- Pastor of the Church, spoke about his congregation helping the poor, homeless and those in need. The money Verizon will give (\$17,000) will be used to continue their ministry and will be for the benefit of the community as a whole.
- Joy Jullians, resident, pointed out errors on the agenda packet, opposed proposal
- Resident lives on that particular area, opposed the proposal
- Resident, opposed the proposal

- Eda Hernandez, resident- lives across the church. Opposed proposal
- Emily Howard, resident- oppose proposal
- Lisa Torre, resident, oppose proposal
- David Peterson, resident, oppose proposal
- Felix Bachofner, resident and church member, oppose proposal
- Meriam Smith, resident, oppose proposal
- Teresa Hodges, resident, oppose proposal
- Sharon Lincoln, lives right next to the church, oppose proposal
- Kathleen Randazzo, resident, oppose proposal

Mayor Rubio closed public comment.

Mr. Tip answered questions proposed by the public. Mayor Rubio allowed a 3 minute rebuttal comment to Verizon Representatives, Ms. Knight, and Paul Albright, for their closing statement who stated they will not come back in 30 days and propose another location, they will proceed to the Federal level if not approved.

Council Member Alexander spoke on the safety aspect to provide coverage for emergencies. Would like to know why this is the best location. Council Member Pacheco spoke on his opinion of the church being part of the community and are making the exception for the benefit of their own good vs. for the community. Planning Commission made a sound decision on denying the proposal. Planning Commission and residents should be heard, they oppose and their concerns are valid and should be taken into consideration and the proposal should be taken back to the Planning Commission. Council Member Campbell spoke about the issue being an emotional one and supports continuing the item for further clarification and answers. Mayor Pro Tem Oglesby indicated these situations are done on an individual basis. As a community we have to work with Verizon to find a location that is acceptable. The residents are not comfortable with current location being proposed but City Attorney stated coverage is needed in the proposed area. He supports motion of denial based on the findings of opposition and questioned if Verizon would consider an alternative location.

Mr. Albright stated there are two approaches, either denial and face legal ramifications, or continuance to see if there are alternative sites. If there is no alternative found, the application returns for a decision and reasons of denial need to be based on City Ordinances.

On motion by Council Member Alexander and seconded by Mayor Pro Tem Oglesby and passed by the following vote the City Council agreed to continue the item to December to given enough time for Verizon to review, design, and research a new alternative location. It will then go back to Planning Commission for decision and must have all information available for review at least 10 days prior to presenting the application.

RESULT:	Approved
MOVER:	Council Member Dennis Alexander
SECONDER:	Mayor Pro Tem Ian Oglesby
AYES:	Ralph Rubio, Ian Oglesby, Dennis Alexander, Dave Pacheco
NOES:	Jason Campbell

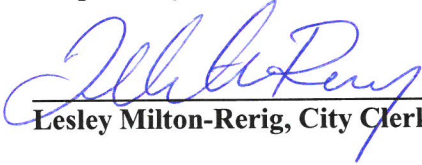
12. **MAYOR, CITY COUNCIL, CITY MANAGER AND CITY ATTORNEY COMMENTS AND REPORTS ON COMMITTEE ASSIGNMENTS**

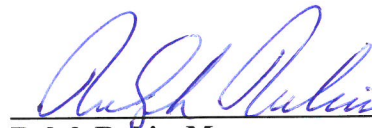
Council Member Campbell, attended a Mosquito Abatement, no activity, CEKA is travel related, mosquito has been reported to be in state but not in Monterey County yet. If discovered, Board will react quickly. Council Member Pacheco, expressed concerns that residents have raised on many issues surrounding Seaside, particularly over-grown weeds in people's yards, overwhelming number of cars parked on Broadway that belong to one person. Mayor Pro Tem Oglesby, Blue Ribbon Taskforce, focus on preventing youth violence and advocating for the youth. FORA- election update, current elected members gave updates. City Manager Malin, City Attorney Freeman – no report. Mayor Rubio, attended FOR A and passed the urban regional design plan. TAMPPI kick off on a campaign to fix streets and wide coalition of support for different bureaus. Recycled Water Committee- purer water for the Monterey County, contract was reviewed

13. **ADJOURNMENT**

On motion, the meeting was adjourned at 10:45 PM.

Respectfully submitted,


Lesley Milton-Rerig, City Clerk


Ralph Rubio, Mayor

