



CITY OF SEASIDE  
CITY COUNCIL

FINAL MINUTES

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

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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**

Father Michael Volk from Saint Francis Xavier provided the invocation.

4. **REVIEW OF AGENDA**

No changes were requested.

5. **PUBLIC COMMENTS**

Mayor Rubio invited comments from the public.

- Tom Mancini reminded the Council and the public of the Veteran's Stand Down event, August 19th through 21st, sponsored by United Veteran's Council of Monterey County. This time there will be judges from 6 counties.
- Kay Cline said that the Veteran's Stand Down event has developed in a great way. She expressed concern that the cross walk at Fremont and Trinity that used to have safety lights and now is closed has inconvenienced many residents and requested that it be operational again soon.
- Dawn Poston spoke in support of the Monterey Horse Park and said she was thrilled that the EIR is moving forward.
- Marylyn Mancini - Monterey County Community Voice for Aging, spoke to the number of seniors that use MST Rides, and has heard complaints about not showing up at the right time and people missing appointments. She requested that anyone from the public that experiences a problem with RIDES to please call MST so that they can know it need to be corrected.
- Sue Hawthorne spoke with concern about the Monterey Downs project saying it will bring noise, traffic and economic degradation with little to no economic benefit.
- Helen Rucker thanked the Council for the new seats in the Council Chamber and for listening to the citizens.
- Ruthie Watts echoed Ms. Rucker's comments. Please keep those that are losing their homes in your prayers and if there is anything that the city of seaside can do to help, please consider doing it.

Mayor Rubio indicated that City Manager Malin will report on the cross walk during the next meeting.

6. **PUBLIC AGENCY COMMUNICATIONS**

- Bobbie Blakely, commissioner for the Monterey County Community Health Board spoke to the groundbreaking event for the Seaside Health Clinic on September 22nd. The building is a partnership with Monterey County Department of Health and Montage of Monterey Community Hospital.
- Francis Avery from the Seaside Art and History Commission announced the exhibit starting August 29th through October celebrating the anniversary of City Hall, which turns 50 years old. Ms. Avery requested any member of the public who worked on the construction of this building to contact the City to be honored. The reception will be October 22nd, 1 to 5 pm, but the exhibit will be through October 30.

7. **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 with the exception of item G.*

|           |                                                                          |
|-----------|--------------------------------------------------------------------------|
| RESULT:   | <b>Approved</b>                                                          |
| MOVER:    | Council Member Dennis Alexander                                          |
| SECONDER: | Council Member Dave Pacheco                                              |
| AYES:     | Ralph Rubio, Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco |
| NOES:     | None                                                                     |

A. **APPROVE MINUTES OF AUGUST 4, 2016**

*Action: Approved*

B. **APPROVE AND FILE CITY CHECKS**

*Action: Approved, Accepted*

C. **APPROVE AN AGREEMENT WITH HOPE SERVICES FOR MAINTENANCE SERVICES AT CITY PARKS AND PUBLIC OPEN SPACES FOR THE FISCAL YEAR 2016-17 WITH A MAXIMUM COST NOT TO EXCEED \$72,072.00.**

*Action: Authorized*

D. **ACCEPT AND FILE CASH AND INVESTMENT REPORT FOR QUARTER ENDING JUNE 30, 2016**

*Action: Accepted and Filed*

E. **APPROVE THE TRAFFIC ADVISORY COMMITTEE (TAC) RECOMMENDATIONS**

*Action: Approved*

**F. APPROVE A RESOLUTION AUTHORIZING THE CLOSURE OF HARCOURT AVENUE TO THROUGH TRAFFIC AT CANYON DEL REY, ALLSTON AND HILLSDALE FOR THE CITY OF SEASIDE'S BIRTHDAY CELEBRATION ON OCTOBER 22, 2016 AND TREE LIGHTING CEREMONY ON DECEMBER 9, 2016**

*Action: Approved*

**G. RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT FOR ONE YEAR WITH THE SAN MATEO COUNTY SHERIFF'S OFFICE, ON BEHALF OF THE NORTHERN CALIFORNIA REGIONAL INTELLIGENCE CENTER, TO PROVIDE AN INTELLIGENCE ANALYST FOR THE MONTEREY PENINSULA REGIONAL VIOLENCE AND NARCOTICS TEAM, UTILIZING DEDICATED AB 109 FUNDS.**

- Felix Bachofner questioned the amount that is set, as not to exceed costs, believing that all agencies that participate in PRVNT would also be contributing costs and requested to know the fully burdened cost of this action. He indicated that the total cost of the item could be up to 300,000.

Chief Myers responded to Mr. Bachofners questions saying that the staff report explains funds are fully paid through AB 109 funds, assigned to Monterey County jurisdictions, allocated among municipal agencies, and those agencies on the peninsula have dedicated all of their funds to the costs of this contract. She specifically stated the presented cost was the fully burden costs, an hourly rate. She further explained the City Council previously approved a full staff member, but due to the reduced funds from the State, they thought it was more prudent to engage in an agreement for an hourly service. She spoke to the equal portions contributed from the participating agencies and there was unanimous support of this contract. She spoke to the search that was conducted to find local analysts, but none were not willing to relocate to the area for the costs associated.

*On motion by and seconded by Council Member Dave Pacheco and passed by the following vote the City Council approved the item as presented.*

|           |                                                                          |
|-----------|--------------------------------------------------------------------------|
| RESULT:   | <b>Approved</b>                                                          |
| MOVER:    | Council Member Dennis Alexander                                          |
| SECONDER: | Council Member Dave Pacheco                                              |
| AYES:     | Ralph Rubio, Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco |
| NOES:     | None                                                                     |

**8. PUBLIC HEARING**

**A. ADOPTION OF TEXT AMENDMENTS TO SECTION 17.12.030.C - TABLE 2-1 AND SECTION 17.52.030 OF TITLE 17 (ZONING CODE) OF THE SEASIDE MUNICIPAL CODE (FIRST READING – ROLL CALL VOTE)**

Senior Planner Medina explained the purpose to amend the code to allow daycare centers to be allowed within an R1 zone, with a user permit, as well as allow them to be located within 500 feet of an RS zone. It is a city initiated text amendment, agonized after a proposal to purchase a city building for conversion and use as a day care center. He explained the details of the request and that

day care is a valuable resource and need in our community. The amendments would eliminate the requirement that they are more than 500 feet, would require vehicular access to day care centers in RS zones from an arterial or collector and also clarify noise mitigation requirements. The primary impacts were vehicular access and sound attenuation and both can be addressed during the use permit process. If approved, this is the first reading and will past to print the proposed text amendments for adoption at the first meeting in September. Mr. Medina answered questions from the Council.

Council Member Pacheco questioned the current and future ability to sell the property at a later date. Mayor Pro Tem said that he will not support this because he has been talking about retaining the Troia building for future use. He thinks the item is not necessary to do, if we are not going to sell this property to the proposed day care center. City Attorney Freeman said that this item is agendized for allowing the use anywhere in the City, and the future disposition of the property on Broadway is not under discussion. Mr. Medina further clarified this would open up many other opportunities, of vacant buildings, that could possibly be used for day care centers in the City.

Mayor Rubio invited public comment on the item.

- Sue Hawthorne said that the staff report indicated a spot zoning change was needed to accommodate the zoning change to allow the day care use in the redevelopment agency property. That is a lot of children on a very busy street and not much set back for child access. Spot zoning is not a good idea, ordinarily, and is used to prevent inappropriate uses. She spoke in support of Mayor Pro Tem Oglesby, as it is too speculative.
- Alan Groves spoke to his planning and zoning experience and agreed spot zoning is a terrible idea, as it leads you into trouble in the future, as does zoning at the request of a property owner for the same reason. He urged to look more carefully that this is not spot zoning and is not for a particular landowner.
- Felix Bachofner provided a historical record of the site, that the owner is a very respected business in Seaside. However, in their first location, it was allowed, and there were complaints and the code was changed and now we are going backward. Good Luck figuring it out.
- Reverend HH Lusk expressed concern that the intent was to allow the sale of the building, and that there is a liquor store on the right and a barber shop on the left, and it will be a terrible place to have a child care center. He was hoping that these buildings would be made available for the youth in the community. He recommends that the amendment not be approved, as it would create many problems.

Mayor Rubio clarified that this is not a project specific amendment and each application will be subject to the use permit process. If the proposed project were to apply for a use permit on Broadway and was turned down, then they wouldn't have any choice to go anywhere else, then they and the 150 kids who are cared for would be forced to find care outside the city.

On motion by Council Member Alexander and seconded by Council Member Dave Pacheco and passed by the following roll call vote the City Council passed to print the first reading ordinance adopting text amendments to section 17.12.030 of the Seaside Municipal Code.

|           |                                                                          |
|-----------|--------------------------------------------------------------------------|
| RESULT:   | <b>Approved</b>                                                          |
| MOVER:    | Council Member Dennis Alexander                                          |
| SECONDER: | Council Member Dave Pacheco                                              |
| AYES:     | Ralph Rubio, Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco |
| NOES:     | None                                                                     |

**B. CONSIDER USE PERMIT APPLICATION NO. UP-14-05 FOR THE CONSTRUCTION OF A 144-BED SENIOR ASSISTED LIVING RESIDENTIAL CARE FACILITY LOCATED AT 550 MONTEREY ROAD IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT. PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), A MITIGATED NEGATIVE DECLARATION HAS BEEN PREPARED FOR THE PROJECT.**

Senior Planner Medina presented on the entitlements for the 144-bed residential care facility and adoption of the negative declaration. He presented on the background, project description including site detail, adjoining uses and the environmental review. He spoke to the proposed uses, the description of the land use, including assisted living, memory care and co-housing, he detailed the elevation of the facility and architectural design and treatments, from the different perspectives. The mitigated negative declaration had key environmental issues of noise, sound walls, traffic, building code compliance and construction management and mitigation measures have been incorporated into the use permit. In detailing the landscape mitigation, he identified the landscape plans approved by the BAR and the total planting of 177 trees on the project site. Mr. Medina detailed the public comments made during previous public hearings at Planning Commission and BAR meetings. Staff recommends that the City Council adopt the resolution for the approval of a mitigated negative declaration provided and a resolution approving the use permit application for the proposed project. Mr. Medina answered questions from the Council.

Council Member Alexander questioned the project parcel size, expressing concern regarding the total size of the project to ensure that there is adequate out door space, and the trees won't inhibit any of the park area planned. He questioned the traffic, two that Mr. Medina responded that there are no direct impacts, but traffic mitigation has been established He spoke to the possibility of an additional on-ramp and reconfiguring to alleviate the traffic. Mr. Medina spoke to staggering staff to come to work during non-peak hours as well as providing a van to provide services to residents for medical appointments.

Mr. Dela Cruz, project applicant answered questions from the Council. Speaking to traffic impacts, he has agreed to control the time of all deliveries, and manage in advance in the medical needs of the residents and staff will be working to coordinate. Traffic engineer was present, but by moving the shift start times of all but 3 administrative staff all will be outside of the transit structure during peak hours. He also addressed Mr. Alexander's question about the FAR, and detailed the landscape plan. Mayor Pro tem Oglesby spoke to meeting the consistency to the general plan and FORA's plan for providing affordable housing at the 20% level asked how that was going to be allocated. Mr. Dela Cruz said that this will not have affordable housing, and the co-housing will contribute to veteran housing. This does not fall under the categories referred to and back in 2010, it was settled that this was approved as market rate all the way through. If there is an option to participate in an alternate affordable housing situation, he will participate. Mayor Pro Tem also spoke to the local hiring preference to which Mr. Dela Cruz spoke to the recruitment, which will begin closer to the opening of the building. They will first look locally. Mayor Rubio spoke to the general plan consistency and the lower to moderate housing requirements. He requested clarification that the co-housing facility will provide affordable housing and was confirmed by Mr. Dela Cruz.

Mayor Rubio invited comments from the public.

- Tom Mancini spoke to his own experience with visitors and parking at these facilities and the best way to understand is to take a tour of a similar facility. Independent vs. assisted have different usages, and different impacts.

- Kay Cline requested clarification of Co vs. Coe Housing. Also requested clarification regarding affordable housing component, as the developer was not clear.
- Camille Groves spoke to her frustration for lack of development at the location and expressed satisfaction with the project. This site will serve a need for a population and jobs. It is the highest and best use principal, and fits the current zoning of community and commercial. She requested adopting the resolutions as outlined.
- Helen Rucker spoke in support of this type of residential care for seniors in Seaside. She spoke to her personal desire to find an affordable, local solution so she can stay in the community.

Mr. Dela Cruz said that on behalf of his partner and himself, they thank the Council for the opportunity toward continued relationships to develop a seaside-like building. He thanked staff in getting the project to getting this to the finish line. He thanked those others that helped this project since 2010. The list of activities in the DDA will be initiated very quickly, and the request for construction drawings. The total project costs will be 20 million dollars and is anxious to move forward in the project. He clarified that co-housing is shared housing to bring down costs. Mayor Pro Tem Oglesby requested clarification on the eating facility that is open to the public but is the intent for the guests or residents but there will also be a use for the community groups to bring the community into the facility. It will not be denied for any member of the public.

Council Member Campbell said he is still concerned about the traffic issues coming up Monterey Road which has been an issues since Seaside Highlands was built and is a FORA issue and that we try to make an effort to help FORA address the traffic problems there. It's an ongoing and current issue that should be taking priority for the City of Seaside. Council Member Pacheco spoke in support of the community room and the connectivity that will be facilitated and is hoping this project moves forward quickly. Mayor Pro Tem Oglesby spoke in support of the project and that the hope the developer maintains the upper class standards at the facility both through maintenance and community and residential care. Mayor Rubio said that there was no conversation with the connection with the youth in seaside, and requested that there be some sort of connection between the youth and the seniors in the community. He spoke to the transportation issues and said that it is not an issue from FORA but from TAMC regarding traffic, one of the key proposals in the tax measure was that diamond exchange but it was not supported for the ballot measure. It has been pushed too far back on the burner due to lack of funding and will take a dedicated effort for support to make it a priority.

On motion by Council Member Alexander and seconded by Mayor Pro Tem Ian Oglesby and passed by the following vote the City Council approved Use Permit UP 14-15 for the construction of a 144-Bed Senior assisted living residential care facility located at 550 Monterey Road and passed the resolution adopting a mitigated negative declaration for the project.

|           |                                                                          |
|-----------|--------------------------------------------------------------------------|
| RESULT:   | <b>Approved</b>                                                          |
| MOVER:    | Council Member Dennis Alexander                                          |
| SECONDER: | Mayor Pro Tem Ian Oglesby                                                |
| AYES:     | Ralph Rubio, Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco |
| NOES:     | None                                                                     |

## 9. **BUSINESS ITEMS**

**A. APPROVE A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT FOR THE PURCHASE AND FINANCING OF PERSONAL PROTECTIVE EQUIPMENT FOR THE FIRE DEPARTMENT AT A COST OF \$47,150.85 TO BE FINANCED OVER A THREE-YEAR PERIOD.**

Battalion Chief Nava provided the presentation spoke to the need of the Fire Department to have an additional set of the turn out gear. Previous gear was no longer compliant with existing standards, NFPA 1851. He further explained he process to clean the gear after an incident takes 36 hours and currently, staff does not have a back up set. Additionally, compliance requirements to repair the sets require being shipped, again leaving staff without proper gear in the event of an emergency. He reported that the units would be purchased through a lease purchase financing option, financed over three years, with no interest incurring and if approved, will be incorporated into the current budget and earmarked for the next two budget years. On question, he responded that old gear is sourced out to the local fire academy so that the cadets can use for training without having to purchase them. Mayor Rubio invited comments from the public.

- Sue Hawthorne requested an understanding of why it would take more than 36 hours or buying more turn outs or buying another washing unit.

Battalion Chief Nava spoke to past practices to take it to the local facility, where they would be washed then dried but it would overheat and degrade the material, which would cause them to tear. The current method is using a washing unit, a three piece set that must be separated, and dried with fans or air-dried, taking 36 hours.

Mayor Rubio clarified that the purpose of the second set is that if a set of gear is being cleaned, there is another set available if there is another incident to respond to.

*On motion Council Member Alexander by and seconded by Mayor Pro Tem Ian Oglesby and passed by the following vote the City Council approved the item as presented.*

|           |                                                                          |
|-----------|--------------------------------------------------------------------------|
| RESULT:   | <b>Approved</b>                                                          |
| MOVER:    | Council Member Dennis Alexander                                          |
| SECONDER: | Mayor Pro Tem Ian Oglesby                                                |
| AYES:     | Ralph Rubio, Ian Oglesby, Dennis Alexander, Jason Campbell, Dave Pacheco |
| NOES:     | None                                                                     |

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

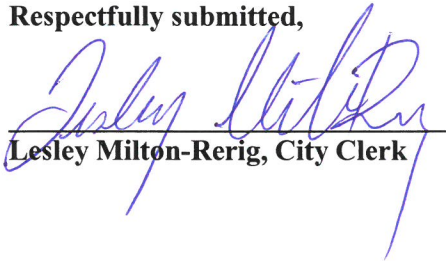
Council Member Campbell reported having a community meeting on the third Tuesday of the month. If you are interested, email him at his city email. Council Member Alexander reported on discussions at AMBAG regarding the legalization of Marijuana and his efforts to establish the public safety academy to create a Public Safety career pathway through ROP at Seaside high. Council Member Pacheco spoke to the events he attended and indicated that over the last 5 days he has received comments about code enforcement issues, all of which saying the new Code Enforcement Officer responded to their complaints on the same day. He thanked Code Enforcement Officer Alfred Soto for his quick responsiveness to citizens concerns. Mayor Pro Tem Oglesby spoke to the Stand Down event that will help the homeless veterans. He then requested to clarify the conversation about the Troia Building and requested to agendize the discussion for obtaining the Troia building for the City use and not for sale. Mayor Rubio reported on attended the MPRWAJPA meeting where they heard updates from the other two competing desalination projects and the

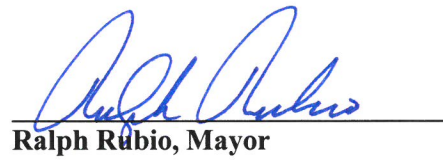
options that we have don't bring water any sooner and still cannot pinpoint the cost to produce water. Both of those projects are contingent upon the ruling on open ocean intake, which has not happened yet. Each project has vulnerabilities and they will keep us posted on the progress. The GWR Pure Water Monterey Project got a favorable decision from the Administrative law judge for it's moving forward so that project will be providing water for the peninsula in late 2017 early 2018.

**11. ADJOURNMENT**

On motion, the meeting was adjourned at 9:25 PM.

**Respectfully submitted,**

  
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**Lesley Milton-Rerig, City Clerk**

  
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**Ralph Rubio, Mayor**