FINAL MINUTES

CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
COUNCIL CHAMBER
Thursday, September 15, 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

4. REVIEW OF AGENDA

Mayor Rubio request to add a proclamation to the agenda under presentations regarding Constitution Day.

On motion by Mayor Pro Tem Oglesby and seconded by Council Member Alexander and passed by the following vote the City Council passed the request to add a proclamation to the agenda.

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

5. PUBLIC COMMENT

Mayor Rubio invited comments from the public.

- Carlos Ramos spoke to the event You Otter Know Seaside at the Oldemeyer Center that the purpose was to give a welcome to the students from our community. He invited the Council and the Community to a Candidate forum of the mayoral candidates September 28, 2016 at 6:00 PM at the Oldemeyer Center.
- Dan Turner spoke on behalf of the Seaside chapter of Veteran's for Peace to inform the public of an event on September 20th at the Monterey Institute of International Studies and informed the public of the purpose of the group.
- Paul Wolf spoke to the Planning Commission meeting discussing the Monterey Downs project. He believed the majority of the people who packed the room were opponents of the project. He expressed frustration that many supporters were only discussing the land use and not the purpose of the item, discussion of the EIR. We need to look strongly at both sides..
- Tim Hutton spoke representing YGreen energy fund explaining the benefits of the PACE financing program and the uniqueness of the program, and the potential projects supported

by this program which helps homeowners and contractors, stimulates economic development. There are both residential and commercial financing modules. He indicated it is in alignment with the City's sustainability goals and encouraged the City to partner with the program.

- Peter Keiser encouraged the Seaside candidates to also have a fear of God and be pro-life and pro traditional marriage. Second, he announced the 40 days for life event starting in September through November and requested consideration of praying for the pregnant mothers so they don't use the clinic. He requested that the recommendation to permanently eliminate both live gambling and electronic gambling and also requested that the rate payers be able to vote on the injection of non-potable water into the aquifer in Seaside.
- Sue Hawthorne has also expressed concerns about the recharging of the Seaside Aquifer but also echoed Mr. Wolf's comments at the Planning Commission meeting also expressing concern that many of the project supporters were not residents and the impacts from the project will not trickle down to classic Seaside.
- Nick Larson expressed concern regarding the citations for parking trailers on the street. Understanding the problems in Seaside with recreational vehicles impacting the city, he still thinks it is a shame the working trailers are in the same category as recreational vehicles and there are working people in the City that are unduly impacted. He requested refocusing the ordinance on the RV Street dwellers that are impacting the image of the City and questioned if the DMV registration fees allow for the parking on a public street.
- Joseph Bennett agreed with the comments of Mr. Larsen, who complied with the previous regulations that the trailers needed to be hitched. But to load and unload the boat us an undue burden. He also expressed about the lack of public outreach for the new regulation.

Mayor Rubio requested to review the regulations with the DMV. Mayor Rubio apologized for not being present at the You Otter Know seaside event. When the Council does get to review the EIR, we will talk about facts and mitigation and there will be much discussion on the item.

6. PUBLIC AGENCY COMMUNICATIONS

Dr. Betty Lusk spoke representing Monterey Peninsula Unified School District and extended an invitation to a Town Hall Meeting on the Measure P Facilities Bond Update. She spoke to the funding that has been used to upgrade facilities with the $55 million bond. There is 50+ million remaining, and will be used to complete the upgrades to the facilities. The District wants input of the citizens.

7. PRESENTATIONS

Mayor Rubio spoke to the proclamation that was added to the agenda acknowledging the drafting of the constitution celebrating constitution week September 17th-23rd, 2016. The City Council proclaimed this week, 2016 as Constitution week in the City of Seaside.

8. CONSENT CALENDAR

Items E, F, H and L were pulled from the Consent Agenda.

On motion by Council Member Alexander and seconded by Council Member Dave Pacheco and passed by the following vote the City Council approved the consent calendar with the exception of item E, F, H , and L.

RESULT:	**Approved**
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 SEPTEMBER 1, 2016 REGULAR MEETING

Action: Approved

B. APPROVE AND FILE CITY CHECKS

Action: Approved & Accepted

C. APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM ACTION COUNCIL OF MONTEREY COUNTY AND PALENKE ARTS FOR A YOUTH MUSIC AND DANCE SERIES

Action: Approved

D. APPROVE CONTRIBUTION REQUEST FROM MAYOR'S YOUTH FUND FOR COMMUNITY PARTNERSHIP FOR YOUTH'S AFTERSCHOOL PROGRAM

Action: Approved

E. CONSIDER FEE WAIVER REQUEST FROM DELTA SIGMA THETA SORORITY FOR USE OF OLDEMEYER CENTER FOR TWO COMMUNITY EVENTS IN 2017

Action: Approved

Mayor Rubio invited public comment on the item. Sue Hawthorne questioned the fee waivers that are consistently placed on the consent calendar and questioned the purpose of having a fee since they seem to be waivable for anyone who asks.

Mayor Rubio responded that the policy is that the event must serve Seaside primarily and will benefit the community as well as they are required to be a 501 C3. It is a way to accommodate our non-profit organizations s for a community benefit. Council Member Alexander questioned in the past, officers who were not on duty were paid to work and questioned if the costs this year were for regular police personnel costs or overtime costs. Deputy Chief Lumpkin indicated that they added two police officers to the route in addition to the regular service schedule because of the event.

On motion by Council Member Alexander and seconded by Council Member Pacheco and passed by the following vote the City Council approved items E and F as presented.

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

F. FEE WAIVER REQUEST FROM SEASIDE HIGH SCHOOL FOR COSTS ASSOCIATED WITH THE ANNUAL HOMECOMING PARADE

Action: Approved

G. APPROVE RESOLUTION AUTHORIZING THE CLOSURE OF YOSEMITE STREET, BETWEEN BROADWAY AND MENDOCINO AVENUE FOR THE SEASIDE FIRE DEPARTMENT OPEN HOUSE ON OCTOBER 8, 2016.

Action: Authorized and passed Resolution 16-80

H. <u>APPROVE RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH THE WALLACE GROUP TO DESIGN BICYCLE-SAFE STORM DRAIN GRATE REPLACEMENTS FOR A NOT TO EXCEED AMOUNT OF FIFTEEN THOUSAND NINE HUNDRED SEVENTY FOUR DOLLARS ($15,974.00)</u>

Action: Approved & passed Resolution 16-81

Council Member Pacheco questioned the further costs that may be associated with this project. City Engineer Riedl indicated that there will be next steps, including purchasing and installing the grates. On question, Mr. Riedl indicated the project was not bundled together because due to procurement law, that is not allowable. The first phase was to determine the infrastructure, so they could develop the specifications for the design phase which this contract is addressing. Next, is to purchase the drains, then hire a contractor to install. We are requiring the consultant to include professional design liability insurance which will cover any issues if they are incompatible.

City Manager Malin responded that the size of our staff, when the projects are narrowly defined in scope, you can get the most bang for your buck by hiring consultants who are specialists. The staff we have are generalists.

Mayor Rubio invited comments from the public on the item.
Felix Bachofner questioned the placement of these bike safe storm drain covers and expressed concern that there is a lack of proportionality, from what we paid before. He urged the Council to consider the vendor he found online before approving. Speaking to Item K, he suggested leveraging with Carmel By the Sea's vendor/supplier.

Council Member Campbell questioned if this is required to complete our ADA transition plan to which staff confirmed.

<u>On motion by Mayor Pro Tem Oglesby and seconded by Council Member Jason Campbell and passed by the following vote the City Council approved the item as presented.</u>

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

I. <u>APPROVE RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF EIGHTY NINE THOUSAND SIX HUNDRED DOLLARS ($89,600.00) FOR REPLACEMENT OF THE EMERGENCY GENERATOR AT THE SEASIDE FIRE STATION</u>

Action: Approved & Passed Resolution 16-82

Mayor Rubio invited additional comments and had no requests to speak.

<u>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 item as presented.</u>

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

J. APPROVE RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE EXISTING LEASE WITH SPRINT FOR THE CELL SITE AT 1332 LASALLE AVENUE

Action: Adopted Resolution 16-83

K. APPROVE RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT TO PROVIDE STORM DRAIN MAINTENANCE SERIVCES TO THE CITY OF CARMEL-BY-THE-SEA

Action: Approved Resolution 16-84 & Authorized the Agreement

9. PUBLIC HEARING

A. SUBMISSION OF THE 2015-2016 COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administrative Analyst Mikesell spoke to the Consolidate Annual Performance Evaluation Report (CAPR). She spoke to the FY 201-16 projects and activities from nine community organizations and some city projects. She detailed the highlights of the projects and services funded through the City's CDBG program. Ms. Mikesell answered questions from the Council.

Council Member Alexander commented that the Highland Otis Park Association is appreciated for being a recipient for this funding. He thanked the Advisory Committee as well. Mayor Pro Tem Oglesby thanked staff for the presentation and the committee for their work. Council Member Pacheco questioned the two year funding program, to which staff confirmed we are in the first year of the two year cycle.

Mayor Rubio opened the Public Hearing.

- Philip Geiger for Legal Services for Seniors spoke in support of City staff and the volunteers saying that they do an exceptional job. The non-profits appreciate the time, effort, and the support of the City. He thanked the Mayor for speaking at the Elder Justice Summit.

Mayor Rubio closed the public hearing and agreed with the staff support and thanked for them work that has been done since we have brought the function back in-house and they have done a fantastic job.

On motion by Council Member Alexander and seconded by Council Member Dave Pacheco and passed by the following vote the City Council approved the plan and recommended it be distributed to HUD.

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

10. BUSINESS ITEMS

A. CONSIDER APPLICATION, DISCUSS AND PROVIDE DIRECTION ON NEW BINGO LICENSE FOR CHRISTIAN CONGREGATIONAL CHURCH OF AMERICAN SAMOA

City Manager Malin introduced the item and indicated that there is an application for the license and the Council can approve, deny or ask questions from the applicant.
Deputy City Manager Hodgson spoke to the Municipal Code section which outlines the bingo license process. The applicant is the Christian Congregational church of the American Samoa, meets all the criteria of the code and has the paperwork documentation to support it. Staff requested Council direction to process the application. Ms. Hodgson answered questions from the Council.

Council Member Pacheco questioned if the code requires the applicant to support seaside community activities. Ms. Hodgson and Legal Counsel Freeman indicate that it's not clear if the code requires a contribution to the City of Seaside, it's up to interpretation. Council Member Pacheco supported adding a % requirement of support to the application and requested adding that as a condition. Legal Counsel Freeman indicated it could be added as a condition but it may not be able to be enforced. The Council asked questions of staff regarding the applicants intention, operations, and other details and the applicant was not represented. Mayor Rubio requested the item be continued to the next meeting so the applicant can be present to ask questions.

Mayor Rubio Invited public comments.

- Helen Rucker was pleased the item was continued for questions to be answered.

No action was taken.

RECESS CITY COUNCIL REGULAR MEETING AND RECONVENE JOINT SPECIAL MEETING

Mayor Rubio recessed the regular meeting at 8:21 PM. All members were present for the reconvened Joint Special Meeting.

11. BUSINESS ITEMS

A. APPROVE RESOLUTION AUTHORIZING THE FINAL BUDGET ADJUSTMENTS OF THE 2015-2016 FISCAL YEAR

Deputy City Manager Hodgson presented the item asking to approve the final budget adjustments for the 2015-2016 budget year explaining the item to be a clean up of the budget prior to conducting the City's Annual Audit. She spoke to the 2015-16 Adopted and Amended General Fund budget the revenue estimates and expenditures which left a $511,541 imbalance. With the adjustments that are in the Resolution, the net revenue estimates and expenditures leave a total net budget change of $960,000. Ms. Hodgson detailed the miscellaneous adjustments made to accounts and funds, and the proposed resolution adopts which adopts the budget with a $455,000 budget surplus. Ms. Hodgson answered questions from the Council.

Mr. Pacheco questioned the basis for the increase of revenues to which Ms. Hodgson indicated that it was due to dissolution of redevelopment and a larger than anticipated property tax distribution, a decrease in over budgeted sales tax and the settlement agreement from Sand city was also not budgeted and will be an ongoing increase.

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

Mayor Rubio thanked staff for their work and cited the increases in revenues show a strengthening of our city. Mayor Pro Tem Oglesby thanked staff and Department Heads for conserving funds and controlling expenditures.

On motion by Council Member Alexander and seconded by Council Member Pacheco and passed by the following vote the City Council approved Resolution 16-85 authorizing the final budget adjustments for the 2015-16 Fiscal Year.

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

RECONVENE CITY COUNCIL REGULAR MEETING

Mayor Rubio adjourned the Joints Special meeting.

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

Legal Counsel Freeman noted that the consideration of the Monterey Downs project has begun and if the Council desires tours or information, please work through staff and we can address those items. Please don't work directly with the proponents or the dissenters, as the goal is to preserve the transparency of the project and communications or meetings with them that would be considered ex-parte communications. City Manager Malin spoke to the continuation of the Planning Commission meeting to a future date and that the City Council scheduled review of the project may be altered due to the Planning Commission decision. The tentative dates are for a study session on September 29th and consideration on October 13th and October 20th. The subject may be to change. October 20th is the earliest it can be adopted. Council Member Campbell reported on Mosquito Abatement district that there are two travel related cases for Zika in the county and no evidence in the county of the transmission of the virus. Speaking to the Monterey Downs project he requested the meeting be held at the Oldemeyer Center and questioned and expressed frustration with the schedule changes. Council member Alexander reported that he will not be present on October 6 because he will be attending the California League of Cities conference. He spoke to the public safety academy planning sessions that have taken place and that there is energy and excitement. Mayor Rubio reported on the ground breaking ceremony for the new Seaside Health Clinic that will have all the health features than the existing with expanded features on September 22nd.

13. ADJOURNMENT

On motion, the meeting was adjourned at 9:11 PM.

Respectfully submitted,

Lesley Milton-Rerig, City Clerk

Ralph Rubio, Mayor