



CITY OF SEASIDE
CITY COUNCIL

FINAL MINUTES

SPECIAL MEETING
COUNCIL CHAMBER
Wednesday, October 5, 2016
5:30 PM

CALL TO ORDER

Mayor Rubio called the meeting to order at 5:30 PM.

ROLL CALL – ESTABLISHMENT OF QUORUM

PRESENT: Alexander, Campbell, Oglesby, Pacheco, Rubio
ABSENT: None

PUBLIC COMMENTS

Mayor Rubio invited comments for items that were not on the agenda and had no requests to speak.

STUDY SESSION

CONTINUE A STUDY SESSION FROM SEPTEMBER 29, 2016 REGARDING THE MONTEREY DOWNS AND MONTEREY HORSE PARK AND CENTRAL COAST VETERANS CEMETERY PROJECT INCLUDING CERTIFICATION OF THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (EIR), AMENDMENT TO THE SEASIDE GENERAL PLAN (GPA 12-01), ADOPTION OF THE MONTEREY DOWNS AND MONTEREY HORSE PARK AND CENTRAL COAST VETERANS CEMETERY SPECIFIC PLAN (SPL 12-01), AND AMENDMENT TO TITLE 17 OF THE SEASIDE MUNICIPAL CODE (Z 12-02)

Mayor Rubio opened the item and invited questions from Council Members that have come up since the Study Session on September 29, 2016.

Council Member Campbell questioned a reference to the cost of the habitat management plan and who pays for the costs and mitigations related to development. Terri Wissler-Adam, contract Planner for the City spoke to the adopted habitat management plan document for the Fort Ord area and explained that when the habitat conservation plan that FORA that is in process of being prepared is adopted, all developers will need to pay the required permit fee which will cover the cost for the plan implementation for the land parcel. Council member Pacheco requested clarification that it is more costly for the City to do nothing than leave it as open space, to which Dustin Wormer clarified that the point was there is a cost of owning the land, and if there is no developer, the City will be the owner and would be responsible for the cleanup of the lands, inevitably. Mayor Pro Tem Oglesby questioned the traffic study and TAMC's response and objections, if any to the planned how they were addressed. Staff responded that TAMC did comment on the EIR and their comments were responded to adequately in the EIR.

Ms. Wissler-Adam responded to questions that were asked at the September 29, 2016 Special Meeting.

Mayor Rubio invited Public Comments on the item.

- Rowland questioned if staff has discussed prevailing wage with the developer.
- A thirty year resident spoke concerning the lack of water listed in the EIR.
- A resident spoke against the project due to the treatment of horses.
- Steve Eklund spoke against the project and against the developers due to the environmental impacts.
- Sue Hawthorne spoke against the project because it is destructive, not everyone appreciates the project elements.
- Linda Hamilton reiterated comments at the Planning Commission that there is so much damage due to fire and drought to trees, why increase the damage. She spoke to the numerous unmitigatable impacts in the EIR and requested to preserve the land as is.
- Bill Weigle spoke to the annual fiscal surplus (shortfall) at buildout by sensitivity and believes it could be a net loss to the City of over \$1 million dollars. He believes the project overlooks the City's existing plans for a 330 room hotel at the Seaside Resort and a 250 hotel at the Main Gate project, which will compete with the proposed project. He spoke to the people that use the trails regularly.
- Bruce Annetta questioned the facts of the applicant presentation including sufficient water to fulfill the paper allocation noting there must be significant investment into water allocation the cost of the rate payers. the community costs have not been considered.
- Diane Cotton, read a letter written by League of Women Voter's president Jannet Brennan urging the Council to deny the project. Studied the land uses of fort Ord and believe the public need for development should be demonstrated and services to the existing population needs to be served and this project does not do that. 15 unavoidable impacts are unreasonable.
- Natalie Annionchetti spoke against the project and in favor of preserving the Happy Trails. She encouraged instead renovating the downtown area and not the open space and considering nature tourism as an option for this land.
- Resident requested that they fulfill the wishes of the Seaside voters to preserve fort Ord as wilderness and promote tourism in other ways.
- James Miller (Akin) resident, spoke in the 1995 General Plan document stating he supports the alternative of no project, exiting land determination. He requested removal of the horse park itself but expressed favor for the regional performing arts center, Fort Old museum, recreation center and housing.
- Ken Fitroue, resident and Varsity Coach of Seaside High Swimming spoke to the swimmers that travel all over the state representing the Seaside and that the infrastructure of youth sports in Seaside is 60 years old and there is a desperate need for improved infrastructure. This project proposes youth sport and recreation facilities dedicated to health and wellness programs and he encouraged approval of the project.
- Martin Accosta, seaside student athlete and XX other student athletes requested approval of the project.
- Seaside Student Athletes Cameron Brinkley , Marina B., Simone A. Elizabeth Murray, Audrey L, Edwin A., Wendy, Carina B., Anol M., Jessica D. Jasmine A., Carolina V., Irides G., Elena A., Alexander, Jennifer, Mathew C., Cesar M., Alexis D., Itzel D., Victoria H., Molina R., Geo L., Vanessa, Alecia L., and Makela all requested approval of the project.
- Cosmo Maurer spoke in disagreement because of drought, insects and diseased trees are dying, fires and other factors, this is an insult against nature and these horses can be accommodated elsewhere.
- Elizabeth Murray spoke to the discord on this project and no decision should be rushed. It is a unique environment. Not enough analysis has been done.
- Sarah Clifford spoke in support of the project and the horse park sustainability.
- Steven, professional equestrian and business owner, thinks that they need to consider the entire project, including the impacts and the benefits together.
- Alexandra B. spoke against the project due to the destruction of trees.

- Allison Wellner spoke against the project and questioned why recreational opportunities have not been developed that land.
- Erick Dolstrom spoke in support of the Veteran's Cemetery and against comments that those that don't live in our community don't have a fair voice. The voices from outside have revenue that could be spent in our community.
- Dawn Poston, spoke in support of the Monterey Horse Park and cited over a thousand active others in their organization that supports the project. She spoke to a matching grant in the foundation that will help fund the project and that there will also be events for the dog community and therapeutic animal services.
- Katlin Wilson spoke in support of the project and to her experience living in a community with a similar industry.
- Christine Montief spoke in support of the housing aspect of the project indicating this will increase affordability of housing in our community for youth professionals.
- Sabrina Miller spoke against comments that the Council is not fully considering all aspects of the project reminding the public that this project is 2% of 15,000 acres, and has always been slated for economic recovery. She thanked the Council.
- Paul Wolf, disagrees with the comment "the land that no one else wanted" because he spoke to Mr. Weigle's comments regarding those that use the trails want the land. He spoke with frustration as he believes propaganda from the developer is being misconstrued as facts. He believes the facts to be that the EIR is faulty and the overriding economic considerations are flimsy.
- Biestango, resident, is opposed to the project because he does not think we will benefit economically, it will tax our public servants and it will impact pollution.
- Samantha Scanlin, 20 year professional trainer indicated that the proposed events bring the community together.
- Tracy Osborn supports the Horse Park.
- Marcia Hayes supports the Horse Park and thanked the Council for their patience and encouraged the Council to balance revenue opportunities and preservation of open space.
- Alan Katz spoke against the project citing the fact he moved here for and because of the protection of the natural resources.
- Billy Pacheco spoke representing the Board of the Monterey County Sheriff's Posse, and American Team Roping Association of California indicating the horse community is a great community as they care about the community and are family people. They won't view your city as a destination, but a home away from home.
- A Resident opposed. building horse park and encouraged them to build it in Carmel Valley and build a pool for the kids.
- Jay, resident encouraged accelerating the redevelopment of West Broadway, attract businesses from the University, and believes that the water use is going to rely on MCWD and will cost the City more than is projected.
- Darrel Donnelly spoke to living in Del Mar and to the quality of life that was downgraded due to the horse racing facility.
- Rachel Kirstopherson, it's the wrong project in the wrong place. She supports the horse park but not the Monterrey Downs project.
- Steve Petro spoke in support of the open space land and the access to recreational space. He spoke against the project.
- Lucy Gomez resident expressed some support of the project as it will create hospitably jobs, local building trades, horse trades, professional horse industry and vets, entry level jobs for part time and full time people. She urged consideration for the future of our kids and spoke in support to the Veteran's Cemetery.
- Dawn Poston said that this is not rushing to judgment as the project has been going for years. Loved the young people that were participating and looking toward the future.
- Paula Betrand provided art work that was done on the Happy Trails area and spoke on behalf of the animals that don't have a voice and against the project.

- Justin Farr, spoke representing the Monterey Horse Park Board and spoke in support of the project.
- Shannon Moan resident and student at CSUMB, chose the school because of the open space and disagreed with the project.
- Retired Army Sergeant questioned if there was going to be a casino in the race track and if so, it would be an offense against the Veterans Cemetery.
- James Bogan, it's time we do something for the citizens of Seaside. if we don't do anything, we are failing. It's time we help Seaside. the City is run by citizens,
- Robert Maginly, resident spoke to the age of the trees and does not agree with the biologist and does not believe the age and health was adequately assessed. He believes the project will destroy healthy, lush live oak, remove habitat of the animals that live there and will impact climate change for a dubious economic gamble.
- Bruce Roe, resident spoke opposing the honesty of the developers at the sacrifice our environment.
- Mike Dilapa the Interim Executive Director of LandWatch, spoke representing his members, expressing they are strongly opposed and will be litigating on the project. He summarized those that spoke, agreeing to the reasons to oppose the project including massive traffic, not enough water, leap frog development, investment outside, hard to create city identity, three additional approved hotels, litigation costs and lost opportunity costs. There was Very little discussion and support from the Planning commission and the Council and requested the opportunity for Land Watch's financial experts to examine the financial projections to give data that would be compelling to prove there is no gain to the City for this project.
- Sid William spoke to the EIR issues and approval and reminded the Council that the EIR impacts the Monterey Downs project the Horse Park and the Veteran's Cemetery. Seaside is a strong supporter of the Cemetery. Please support the EIR.

Public comment was closed and Mayor Rubio acknowledged that he could not respond to everything but clarified some points including that the casino nor race track are included within the project recommendations any longer. Regarding water, this not water that comes from Cal Am but from the Marina Coast Water District. He agreed that the downtown area needs improvement but we don't have water to actively pursue water or the development in the downtown district, which is Cal Am Water. He responded to the comment that only those that they are white and rich have horses and no one in Seaside owns horses and clarified that Seaside residents are diverse horse owners who board their horses in other cities. Mayor Rubio invited other questions from the Council.

City Attorney Freeman clarified that the race track is currently part of this project, but the City Council has the opportunity to withdraw it from the project if they chose to do so. The staff recommendation is to remove it but the Council has not yet provided official direction to staff to include that in future recommendations.

Mayor Rubio commented that he has studied the EIR and does see some of the issues that people are concerned about, but they are also declared unavoidable in the base reuse plan and nothing goes beyond the original analysis of the base reuse authority. Council Member Campbell thanked the public for their comments especially the students who participated. He questioned the timing, schedule and process for the actions that will be agendaized. Staff responded that the following actions would have to occur:

- 1) Certification of the EIR
- 2) Amending the General Plan to include the Specific Plan area
- 3) Consider adopting Specific Plan
- 4) Consider the Board of Architectural Review and Planning Commission recommendations
- 5) Amending the Zoning Ordinance

Since there are several things that are required the Council requested staff to provide a list of the

actions that are needed, chronologically and what previous action is necessary for the next action.

Council Member Campbell questioned if there been an appraisal on the property to which staff affirmed but as standard practice it is not a public document as it will have significance for the negotiations to the DDA. Mr. Campbell then questioned the land swap agreement, East Garrison/Parker Flats land swap agreements and requested they be included in the next packet. He questioned the residential zoning area of the agreement expressing concern concerned that it was removed and questioned why they removed the land use designation and several others, and replaced it with the oak oval and horse park and area called "County development reserve" which is undefined. Staff clarified that the MOU affected property in the County and not the property in the City with this modification. Council Member Campbell requested clarification that if the land use designation changes would it require the 5 other agencies to agree with the designation. City Attorney Freeman clarified that if the City is not a party to the MOU, we cannot render a legal opinion of the adequacy or inadequacy of the document.

Council Member Campbell further clarified that if we go through the effort to remove horse racing from the specific plan, how we prevent it from being reinserted to which Ms. Wissler-Adam responded that it could be reinserted if approved by the City Council through a similar public hearing process. The City Council has authority to regulate land use and zoning for the city. Council Member Campbell questioned the possibility of a deed restriction language that there would be horse racing activity so that the residents can't oppose it. Staff responded that it is our recommendation to remove it as an allowable use. City Attorney Freeman indicated that it would be difficult to ban it permanently because one Council cannot bind future Councils. And a future council at any time could amend the plan but would have to go through a similar process. Dave Snow affirmed his statement and added that there are state regulations for the industry, but there is also local authority over land use decisions in the local community.

Council Member Campbell then questioned the East Side Parkway questioning the CIP schedule for completion two which staff clarified that the information the EIR was based on what was current at the time, of 2014. He expressed concern that the EIR is dependent on a document plan that is already stale and it will impact the project that the East Side parkway will not be built by the time the phases begin. Staff agreed to contact FORA for updated project completion information. Council Member Campbell then questioned the will serve letter requirement as it relates to water availability and questioned if that was considered a mitigation to which staff responded that only in the way that the water won't be used if it is not available. They will not issue the letter unless water is allocated to a project, If now water is available, the project will not be built. Special Legal Counsel Ginetta Giovinco responded that with respect to the mitigation, CEQA requires a worst case scenario, so it assumes full build out of all phases. The assumptions are that included is a certain amount of water and that water will only allow for completion of phase 3, and further phases will not be allowed until there is further water available. The EIR concludes there is a significant and unavoidable impact at a most conservative analysis. Mayor Rubio replied that the whole EIR document is based on assumptions, some more than others and they are projected uses and that should be understood.

Council Member Campbell further questioned the recycled water that is projected to augment the project questioning the replacement ratio to which staff responded it would be used, when available, on all future Fort Ord projects. MCWD is requiring all development to be dual plumbed so that the recycled water can be delivered. Ms. Wissler indicated the RWP would provide sufficient water for Phases 1-6. Ms. Giovinca indicated that the MCWD document acknowledges the future potential water supplies, the EIR recognizes the uncertainty of future water supplies. Council Member Campbell questioned if the EIR considered the cost of water in a drought, or personal conservation impacts to which Ms. Wissler-Adam said no. Council Member Campbell cited the 1993 agreement between the Army and the Water Resources Agency regarding water augmentation and requested to see how the agreement addresses an augmented water supply. Mr. Campbell questioned how MST, a property owner in these areas, would be impacted to which Ms. Wissler-Adam agreed to respond at the next meeting how MST not selling their land could impact the project plan.

Council Member Campbell requested to discuss the economics of the projects because a statement of an overriding consideration should include the economic impacts. Mayor Rubio clarified that the economic portion is not part of the discussion. On question, Special Legal Counsel Snow clarified the Council can certify the EIR yet decide not to adopt the statement of overriding considerations, as those are for the project approval. They Council clarified that you can approve the EIR and reject the project to which Mr. Snow affirmed.

Council Member Pacheco questioned the developer clarifying that additional police officers would not be needed due to the security guards proposed and questioned where the 20% low income housing would be. Ms. Wissler-Adam spoke to the City affordable housing ordinance, and that the workforce housing ordinance is incorporated into the Specific Plan and operates from that. He questioned the placement and operations of the Fire Department to which staff responded if the City chose to building an additional fire department, the responsibility would be that of the City and the developer would provide the land at no cost. Mr. Pacheco questioned the events that are proposed at the venue and requested clarifying other venues in California that have the number of events that are being proposed, to which the developer responded there are only three venues that have that number events.

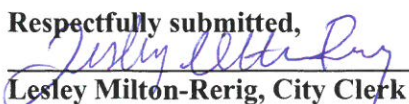
Mayor Rubio questioned the applicant requesting clarification if the staging areas are private. or if they are public access to which the developer responded that the staging areas are open, with the exception of a small fees for the use of the kennel for dogs or putting your horse in a different stall type. Mayor Pro Tem Oglesby questioned the land access beyond the trails as his understanding was the land surrounding the proposal is county land, so he questioned what uses are allowed on that county land as far as the EIR is concerned? Staff responded the surrounding land is FORHA lands and there is an adopted trails master plan to make trails and public access to that land. The proposed project would allow the public access to that public land, including the national monument. He spoke in support of a second fire station and land is a significant cost barrier. Mr. Oglesby questioned Ms. Giovinca regarding the threat of litigation and questioned if we are in the best possible position for winning the litigation. If there is a legal challenge, is there substantial evidence in support of the conclusion that is reached? If there is credible evidence based on the facts, presented, the courts would be looking at the evidence that could be interpreted in any other way? He thanked Mr. Campbell for strengthening the document and making sure it is a stronger document.

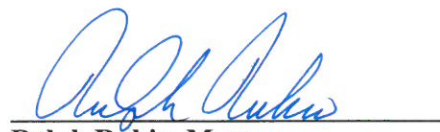
Special Legal Counsel Snow responded that CEQA law says substantial evidence but also reasonable assumptions predicated upon those facts are defensible. There is a legal understanding that credible assumptions have to be made.

Mayor Rubio clarified that the EIR is a snapshot in time, which includes facts and findings available at that time. It is the job of the City Council to ensure that the EIR was prepared to the standard of CEQA law, and if it meets the standards and can be certified, that does not approve the project. He questioned the water and the relationship between the Army and the MCWD agreements, when the agreement was initiated. To look at the 1993 document, it has changed with changes to conditions and allocations, however, the documents allocate 2,400 acre feet by contract from MCWD. He believes that we may be above our allocation, but does not believe the project will run out of water.

ADJOURNMENT

On motion, meeting adjourned at 8:58 PM.

Respectfully submitted,

Lesley Milton-Rerig, City Clerk


Ralph Rubio, Mayor