



CITY OF SEASIDE
CITY COUNCIL

FINAL MINUTES

SPECIAL MEETING
COUNCIL CHAMBER
Thursday, October 13, 2016
7:00 PM

CALL TO ORDER

Mayor Rubio called the meeting to order at 7:10 PM.

ROLL CALL – ESTABLISHMENT OF QUORUM

PRESENT: Alexander, Campbell, Oglesby, Pacheco, Rubio

ABSENT: None

ORAL COMMUNICATIONS

Mayor Rubio invited comments from the public for items that are not on the agenda.

- James Bogan congratulated the City for their participation in the opening of the Veteran's Cemetery.
- Silvia She, resident, thanked the Council for holding the meeting, she spoke to applying to have her ask tree removed and the application fee was \$93 and is ok, because it shows the city is concerned about the environment and the air quality.
- Steve Ecklund spoke to problems with juveniles and spoke to getting more people to help more people, which would reduce crime. October 22nd is National Make A Difference Day and that could be a stepping stone.
- Darrel Choate thanked the Mayor for representing the City at the Veteran's Cemetery. He thanked Mr. Bogan and all that helped make that possible.
- Peter Keiser spoke to the former manager of the Planned Parenthood clinic, and estimated the number of innocent babies that are dying weekly. He encouraged candidates to clarify their positions.
- Miriam Smith has serious issues and concerns about people who oppose the Monterey Downs project.

PUBLIC HEARING

CONDUCT A PUBLIC HEARING REGARDING THE MONTEREY DOWNS AND MONTEREY HORSE PARK AND CENTRAL COAST VETERANS CEMETERY PROJECT AND CONSIDER 1) CERTIFICATION OF THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (EIR), 2) AMENDMENT OF THE SEASIDE GENERAL PLAN (GPA 12-01), 3) ADOPTION OF THE MONTEREY DOWNS AND MONTEREY HORSE PARK AND CENTRAL COAST VETERANS CEMETERY SPECIFIC PLAN (SPL 12-01), AND 4) AMENDMENT OF TITLE 17 OF THE SEASIDE MUNICIPAL CODE (Z 12-02)

Council Member Campbell made a motion to continue the meeting to a future date. Motion died for lack of a second.

Legal Counsel Bill Conner requested that all Council Members reveal ex-parte communications or personal base. Council Member Pacheco said he read numerous emails, letters to the editor in printed publications, attended sustainable seaside information meeting regarding the project, and it does not bias his objectivity in the process. Council Member Campbell reported having numerous conversations with constituents that he visited the site numerous times by car, bicycle and foot, and no information gathered was secretive. He read the articles, emails and letters the other council members heard and he has no biases. Mayor Pro Tem Oglesby reported having no biases or objectivity and is open. Mayor Rubio spoke to receiving all of the same emails as the other Council Members and he is not biased and will be impartial.

Special Legal Counsel David Snow spoke to some of the issues that were brought up regarding the appropriateness of the meeting. There were issues regarding notice requirements, one was the change of location of the meeting, and he explained the location was moved to accommodate the large number of attendees that would not easily be accommodated in the Council Chamber. The agenda was posted with the correct location, an article was in the newspaper, and in addition, the meeting was started late so that any one at City Hall could be directed to the location by a staff person. Other issues were raised due to the content and the timing. Written notice was provided 10 days, some of the notices did not note the zone text and map amendment. With respect to the zone text amendment that is noted on the agenda, in the packet and that element of the project is memorializing the regulations and substance incorporated into the specific plan, which was identified in the notice and would not deceive anyone for this meeting. According to GC - which relates to minor irregularities, but those are not the basis to invalidate unless the court finds that the action was prejudicial or if there is injury. It is the legal conclusion that the City substantially complied with the requirements and there is no risk of prejudice. The minor irregularities will not preclude the Council from taking action if they so choose.

Mayor Rubio indicated that this is a continuation from the meeting from October 5th and opened the Public Hearing.

- Dennis Van Dam spoke against the project. It should be abandoned for inadequate water, problems with noise, traffic and destruction of trees.
- Molly Erickson spoke to questions of order, and suggested that they follow the order of the agenda. She requested to respond to the applicant policy.
- Sylvia Shee spoke to cutting down a tree which requires a \$93 dollar permit and suggested that fee be applied to the applicant for this project. Please show your leadership and start alternative projects.
- Tom Mancini spoke to the Veteran's Cemetery Project expressing support for approving the EIR for the benefit of the Cemetery.
- Jackie Schwartz said there was not a staff member present at city hall to redirect staff to the meeting.
- Steve Ecklund requested the Council not support the development because he disagrees with the removal of trees.
- George Riley pursued the point of order earlier and disagrees with the legal question posted and requested legal counsel responds. It's important that to be part of the public discussion.
- Dave Burkheart expressed concerns regarding the development saying the land is a significant resource and will have profound effects on Seaside livability.
- Miriam Smith spoke to the young people who spoke at the previous meeting, and that most of the people are voicing their opinion are not the voice of Seaside. She was disappointed that the youth were badgered and harassed, and we should respect everyone's opinions.
- Paul Farmer, CEO of Salinas Valley Chamber of Commerce, speaking as an individual as well as for the 700 members of the Chamber he spoke is in support of the project, The stake holders decided that 70% stay for open space, and 30% needs to be developed, and for the last twenty years, the rest of the land has not done much. If we want to have livelihood for

our economy, we need to say yes to some things.

- AnaLee Green spoke against the project, it is inexcusable to cut down 40 thousand trees. Please use your imagination and find another location to develop.
- Sue Hawthorne indicated that CEQA requirements were written into law so jurisdictions can protect itself from damage from the developers. The document explains the exact extent of the damage, the purpose is to weigh the costs and the benefits of the project, even if it blocks you from better development later.
- Mike Solerno Keep Fort Ord Wild, also spoke to the point of order, as listed on the agenda, and having comment assumes that people have a level of familiarity on the project. He requested to reorder to hear the presentation from the developer and questioned if there would be additional public comment.
- Sabrina Miller spoke to the nationwide horse parks, expanding over the nation.
- Erick Dolstrom thanked everyone who has expressed their concerns. He cited the impacts that are addressed in the EIR, and most of the impacts are listed as worst case scenario. There has been significant time spent on this project, and agreed with the economic benefits expressed by previous speakers and to the desire to have people from outside the community participate and be part of our community.
- Clementine Bonner Klein questioned why we are trying to serve those outside the community, and she asked that people identify where they live and the Council take that into consideration.
- Jan Leisure, founder of Monterey Renters.com which is responsible for over 500 rentals in the region expressed concerned with the housing component. This will provide a variety of residences at a variety of price points. She urged the Council to approve the actions before them.

Legal Counsel Snow requested that after considering the testimony heard so far that before continuing that the Staff make a brief presentation providing an overview of the project for the benefit of the audience.

Terri Wissler-Adam spoke to the proposed project location and provided a brief overview of the city process that began with the execution of an ENA in 2010, the development of the project and Environmental Impact Report and listed the series of public meetings that have been held gathering public input and participation. Ms. Wissler detailed three recommended changes to the Specific Plan, to the General Plan, Zoning Code as requested by the Board of Architectural Review and by Staff. She then outlined the actions that are being considered as follows:

1. Adopt the resolution certifying the EIR, make findings and adopt statements of overriding consideration
2. Adopt a resolution approving the General Plan Amendment
3. Adopt the Specific Plan by ordinance
4. Amend the Zoning Ordinance to incorporate the adopted Specific Plan

Ms. Wissler-Adam then spoke to the City Council future considerations that would need to occur if the council chose to move forward with it.

Beth Palmer, applicant for the Monterey Downs project clarified she is not sitting with city staff. She detailed some of the questions that were raised at the meeting last month. She clarified that she has been working with the City of Seaside for over seven years to bring this project to fruition and that this is not a rushed project, and it is not the first time the project is being considered.

Chair Rubio reopened the Public Hearing.

- Alan Groves does not see in the review if the hotel sizes have been reduced. If you reduce the

height, you reduce the rooms and the water need thereby the TOT revenue. Additionally, the smaller foot print, and larger size lots, adds extra irrigation and the practical need for more water. Suggested the need for additional review of water demand or income to understand impacts. He also questioned the process to change the Specific Plan.

- Elizabeth Moorey, speaking on behalf of the TOC representing over 7,000 thorough bred horse owners in CA in support of the project as it would be only one of three comparable venues.
- Bill Weigle requested to change the presentations to reduce the light and have presenters use larger print. He read a written statement provided to the Clerk. He expressed frustration that the Council isn't listening, as the results of a recent Board of Supervisor's election proves the people of Seaside do not support this project.
- Paul Wolf said the project is damaging and the mitigations don't cover the damages in certain cases. The modest windfall of revenue will not be realized, and many of the expenditures have not been accounted for. The City does not know the legal costs to bring the project to fruition, jobs projections are not going to come to fruition and will not be substantially local, permanent or well paid.
- Susan Skiavoni spoke against the project, which the small percentage of land is significant and relying on a developer's analysis can be flawed. She spoke to the Fort Old Parkland Study, the densest and most extensive path of live oak woodlands and its inhabitants, to the fact the 2010 general plan amendment is still being reviewed for consistency with the base reuse plan.
- Peter Keiser thanked the Planning Staff and developer for withdrawing the racing from the project and hopes it is a permanent ban on all type of gambling. He thinks eliminating blight at Fort Ord should be a priority.
- Paul Martin, Monterey County Conventions and Visitors Bureau spoke to their goal to grow the economy, and that this project will not only benefit Seaside, but the entire County. The Monterey Downs development would add to the solid list of reasons for encouraging people to visit which will bring tax dollars to fund the ongoing need for improvement of quality life to residents.
- Rick Oddinger, resident said hospital is the largest industry on the peninsula and is the main economic vitality driver. This project could enhance hospitality by diversifying the attractions available and to the residents of the area. A strong and vibrant hospitality industry enhances resident's lives by providing subsidies to taxes, increasing choices of services and restaurants and that is a direct result of a strong economic and hospitality industry.
- Stacey McGrady, acknowledged proudly presenting many times in the past. Speaking on behalf of Ms. Laura Keister, she offered support for the use of Veterans Cemetery. Ms. Keister is the Secretary of the Northern California Driving Club, with over 100 members, able and disabled who travel hundreds of miles to compete. Our country does not do enough for our military veterans and this will honor them.
- Rebecca Pieken spoke against the project.
- Stephanie Lepp, Monterey resident, invited the Council to an event on November 17th at the Press Club that will give the opportunity to express positions on the project through writing reflections and reading them out loud. The purpose is to inhabit other's perspectives on the issue and build empathy for each other's positions.
- Sue Hawthorne rebutted the presentation saying it does not address the fact the East Side parkway is not a significant mitigation for the traffic this project will generate.
- Jody Hansen, president Monterey Chamber of Commerce spoke in support of the project in concept and is happy to see this stage of the EIR. She responded in agreement to comments made about the lack of youth involvement. She encouraged the Council to consider and protect the voices of those that are trying to survive and could not be present at the meetings. Don't let those with money silence the voices of those without. She requested they approve the actions before them.
- Alysha Iverson, student in wildlife biology said the Specific Plan would go to FORA for consistency, and the Fish and Wildlife Service cannot include the National Monument for

protecting the endangered species, and believes it will conflict with the Endangered Species Act.

- Miriam Smith spoke against the project, but also to the division coming from the privileged communities. it's causing division and social isolation.
- Karen Arajo spoke to something that happened at the Monterey Labor Council for which she is a delegate that there were conversations with the developer regarding the quality of jobs and they will not be good quality, or good paying.
- James Bogan said it was time to do something for Seaside, and if we don't do something, we fail.
- Tom Mancini spoke against the MCWD and the average occupancy for any dwelling units and the average daily use of water between MCWD and Cal Am and Seaside Muni. He thinks that someone should talk to MCWD and do some recalculation of water allowances and rates.
- Citizen commented to the 1992 unwanted land, and said if it was put up to members of the public, the outcome would have been different. He encouraged thinking differently about providing eco-tourism events instead of the proposed events.
- Steve Ecklund suggested tearing down the barracks at Fort Ord for development of housing.
- Dawn Poston said if not Monterey Downs, then who? She questioned how would another developer who has devoted time money and energy in this project is any different.
- Bill Leip spoke to spending so much time in Fort Ord and does not see how the development will impact the area to the extent of the concerns expressed. The land is in the county, so everyone the county has the right to express views. Additionally he spoke to the required ethics training for representatives of government committees.
- Deidra Sullivan indicated that the project is taking away from the other needs of the city. Expressed concern and frustration with the water availability section of the EIR and stated there will be a referendum if approved.
- Deidra Jessen spoke to attending the Planning Commission meeting and spoke against those that are out-of-towers making comments. She spoke to the open space that other cities have.
- Paula Betran comments on the project in terms of the animals and these trees that support incredible wildlife.
- Ray Dandridge said we need jobs and diversity of revenue in the City of Seaside and he questioned what would those opposing the project want to see instead. He questioned the amount of money that had been spent by the City and the Developer.
- George Riley expressed concern with the Developer's presentation and believes that they used an indirect employment multiplier, and take the high side of extrapolated numbers and believe that three areas, water, transportation and employment are not accurately represented.
- Jan Schreiner, speaking as a resident, spoke to "wasteful transformation" and encouraged to review the project in its totality and make your decision, it may show an economic value for the proponent, but not for the entire community. She encouraged considering getting fees in advance as well as consider what is happening in Marina and vote no.
- Kay Cline expressed concern that looking at climate change and forest destruction all over the world, we have 900 acres within our City limits that can be developed with less environmental impact. She encouraged building toward our central city infrastructure.
- Alan Groves spoke to the traffic issues raised before and what is proposed is not realistic. He spoke to the computations of traffic based on a horse park in another city and disagreed it was accurate based on the day and time the traffic counts were conducted and requested the Council look at the traffic impact carefully.
- Daryl Choates said trees are not more important than our kids. Our young people leave and don't come back because we don't have anything to offer them. Don't worry about trees. Those that come out and try to stop development in Seaside are not helping us develop things for our young people.
- Catherine Crocket said the project will be a fiscal loss for the city.
- Akin Miller said the EIR does provide for alternatives, and it does provide a basis for our

growth for years from now. If you don't approve it, on behalf of the trees, it sends a deterring signal to the developers you are trying to attract.

- Sylvia Shee protecting the environment is not against the citizens of Seaside. She questioned if the project benefits the poor people and said the priority should be to protect trees, water, air and people.
- Natalie spoke to being a working class person and her kids love to use the open space wild lands. She said she is taking time off work to come to the meeting. she feels like overall we are being placated so that rigged system of voting can happen. She disagreed with the tree specialist and questioned why a representative from FORA was not present to answer questions.
- John Farrow, Attorney for LandWatch, spoke briefly to the defects in the EIR specifically saying the water analysis is deficient. The letters submitted saying there are significant and unmitigated impacts which were not addressed. CEQA requires you address if the project is not built for all phases, he disagreed this was fully addressed. He also said the required jobs housing ratio will not be realized if the second portions of the phases are not completed therefore the City and project would be out of compliance with the Base Reuse Plan. Issues and concerns with regards to GHG, Traffic and noise are inconsistent or not addressed.
- Mike Dilapa, Executive Director of LandWatch opposes the project for a variety of reasons, the impacts (water, traffic) financial risk, but really expressed concern that the development was not happening with the community. He encouraged not to take whatever the developer offers, but think of what the community wants and make that the kind of community.
- Molly Ericsson said the project should be denied and should not be certified, citing her letter provided during the meeting. She believed the process was not in the public interest, she expressed displeasure about the staff presentations, applicant presentation, venue and the process.
- Felix Bachofner has not paid attention to the cumulative impacts of the development. We are members of a larger peninsula and we need to ensure that we take into account the whole community. What is important to discuss that you can be exposing the city to grave liability if not done properly. One of the things in the staff report, is that you have to approve statements of overriding consideration. Hang your hats on the fact that this is much smaller than the Base Reuse Plan projected and approved. His concern is to limit the liability for mitigation as much as possible.

Mayor Rubio responded to personal comments and acknowledged that everyone who requested to speak had their three minutes to speak. He encouraged public comments to be addressed to the Council in the future.

On motion by Council Member Pacheco and Seconded by Council Member Alexander and passed by unanimous vote, the meeting was continued past 10:30 PM.

The Mayor recessed the meeting for a 5 minute break. at 10:36 PM.

The meeting reconvened at 10:45 PM and Mayor Rubio and Mayor Pro Tem Oglesby questioned if the documents submitted during the public hearing period were complete to which Molly Ericsson indicated they were. Special Legal Counsel Snow noted for the record that the documents were submitted substantially into the public hearing period. Mayor Rubio requested clarification from the EIR consultant about timing for review of the submitted letters from both Keep Fort Ord Wild and Landwatch that were submitted the day of and during the meeting. EIR Consultant Rita Baker indicated that her staff would need one month to review the submissions to determine if the Draft EIR addresses or would need to address the concerns and may need to confer with the technical team. Mayor Rubio requested that they concluded their review by November 10th to which Ms. Baker agreed.

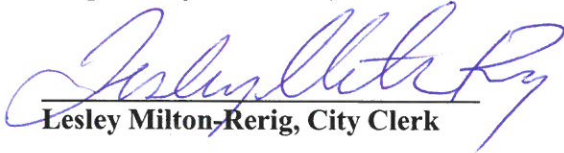
Mayor Rubio requested the meeting to be adjourned to November 10th at 5:30 PM at City Hall.

On motion by Mayor Pro Tem Oglesby, seconded by Council Member Alexander and passed by unanimous vote the City Council adjourned the meeting until November 10, 2016 at 5:30 PM at City Hall Council Chamber to provide adequate time to review the two public comment letters submitted passed the public review period.

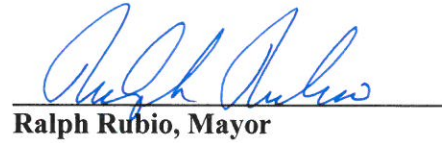
ADJOURNMENT

On motion, the meeting was adjourned.

Respectfully submitted,



Lesley Milton-Rerig, City Clerk



Ralph Rubio, Mayor