FINAL MINUTES

CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
COUNCIL CHAMBER
Thursday, March 2, 2017
7:00 PM

1. **CALL TO ORDER**

Mayor Rubio called the meeting to order at 10:38 PM after the conclusion of the Joint Special Meeting.

2. **ROLL CALL – ESTABLISHMENT OF QUORUM**

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

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**

There was no invocation at this meeting.

4. **REVIEW OF AGENDA**

Item 10B was continued to the Special Meeting.

5. **PUBLIC COMMENT**

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

- Felix Bachofner spoke to the late hour of the start of this meeting and feels that some people would be disenfranchised therefore this meeting should be continued to a date and time certain.
- Peter Keiser invited all to attend the 40 days for life vigil at the Planned Parent Hood for protesting and praying. He also respectfully asked to have it sent to the voters for the ability to vote on the Pure Water Monterey project. He spoke to feedback given that it is difficult to put something on the ballot. Please put it on ballot of the 6th of June. he also said that there as a mistake made on the November election with the passage of proposition 64 and that he doesn't want to have marijuana widely used in Seaside.
- Ian Oglesby spoke in support of the previous meeting, to the importance of the topic as well as the need to not continue this meeting due to the time sensitivity of the business agendized.

Mayor Rubio reported that the City Council had a very long meeting discussing Sanctuary Cities where 90% of the meeting was spent taking public comment. In the attempt to keep with transparency and voice, he chose not to limit public comment.

6. **PUBLIC AGENCY COMMUNICATIONS**

There were no public agencies present.

7. **PRESENTATIONS**

8. CONSENT CALENDAR

Item D was pulled for consideration.

On motion by Council Member Campbell and seconded by Council Member Pacheco and passed by the following vote, the City Council approved the Consent Agenda as presented with the exception of Item D.

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

A. APPROVAL OF MINUTES FROM FEBRUARY 16, 2017 MEETING

Action: Approved

B. APPROVE AND FILE CITY CHECKS

Action: Approved & Filed

C. CONSIDERATION OF A MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM SEASIDE BARCELONA SOCCER TEAM

Action: Approved

D. RESOLUTION APPROVING AGREEMENTS WITH THE SEASIDE CITY EMPLOYEES' ASSOCIATION, CONFIDENTIAL EMPLOYEES AND CONFIDENTIAL MANAGERS, AND EXECUTIVE MANAGEMENT EMPLOYEES

Mayor Rubio invited public comments on the item.

- Felix Bachofner stated this action increases compensation significantly, and thought it imprudent to declare a fiscal emergency later on the agend. It's the third time in four years that the City has increased salaries for the staff, but the ability to pay needs to be considered. Evidence to increase wages, was attributed to a competitive salary study, which he has not seen and he requested to see it.

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

RESULT:	**Approved**
MOVER:	Council Member Jason Campbell
SECONDER:	Council Member Dave Pacheco
AYES:	Ralph Rubio, Dennis Alexander, Jason Campbell, Dave Pacheco, Kayla

	Jones
NOES:	None
ABSENT:	None

9. PUBLIC HEARING

A. APPROVE A SECOND READING ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE SECTION 20516 (EMPLOYEES SHARING ADDITIONAL COST) FOR SEASIDE PUBLIC SAFETY MANAGERS' ASSOCIATION MEMBERS

Human Resources Director Greenhouse spoke to the need to authorize this so that the approved MOU can be fully implemented as negotiated. The total cost is $2,000 and annually thereafter it is $8,000 and this is the last item required for implementation. Mayor Rubio invited questions from the Council and the public and had no requests to speak.

On Motion by Council Member Alexander and seconded by Council Member Pacheco and passed by the following Roll Call Vote the City Council passed Ordinance 1038 approving an amendment to the Contract with the Board of Administration of the California Public Employees Retirement System to provide Section 20516 For Seaside Public Safety Manager's Association Members.

RESULT:	**Approved**
MOVER:	Mayor Pro Tem Dennis Alexander
SECONDER:	Council Member Dave Pacheco
AYES:	Ralph Rubio, Dennis Alexander, Jason Campbell, Dave Pacheco, Kayla Jones
NOES:	None
ABSENT:	No

B. FIRST READING OF AN ORDINANCE AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE ENERGY PROGRAM IN THE CITY OF SEASIDE (FIRST READING)

City Manager Malin spoke to the significant discussion at the last meeting on this item and as part of the approved resolution the Council directed staff to prepare the presented Ordinance. This would allow the city to Joint the JPA with the Monterey Bay Community Choice Energy Program allowing the citizens of Seaside to choose their energy provider and that the City liability is capped at $175,000.

Council Member Pacheco questioned the number of cities that have joined since the last meeting to which Deputy City Manager Hodgson spoke to the local cities that have initiated action to approve this time. Seaside is one of the founding members, approved with the Resolution passed during the February 16th meeting. The JPA is formed as there are enough members who have completed the process, and many cities remain on their second reading. Council Member Pacheco then questioned if any changes were made regarding the voting power structure, to which Ms. Hodgson indicated that nothing has changed but once the members are seated, they could take up the discussion to change the voting structure after all members are seated. Mayor Rubio questioned the notion to require a community advisory panel. Tim Flannagain then responded to the Technical Advisory Committee recommendation to identify community leaders and form a community advisory panel. Mayor Rubio requested that the first order of business would be to develop a business plan that focuses on local resources.

Mayor Rubio invited comments from the public.

- Peter Keiser expressed caution that people will be automatically enrolled in the program, and you have to opt out. People should have a choice. He encouraged to watch prices when it is turned over to a public agency.
- A community member spoke that they liked the spoken commitment to local hiring and would like that formalized. Governance is a big issue, and he was under the impression that the coastal cities rotated representation, and acknowledged that governance is the controversial issue.
- Ian Oglesby spoke to this being 5 years in the making, giving choice to the people. You do have the ability to choose to be in, or not. It brings power and choice to the people. Since it is a public agency, there is no profit to be had. He said it is understandable for the county to want more power, but we also need to make sure our voice is heard at the meeting. Agreed with the local hiring benefit. Any customer that is on PGE can stay.
- Brennen Jensen on behalf of Monterey Bay Climate Action Compact is promoting this program i as the single most important greenhouse gas initiative to address climate change. There are 13 jurisdictions that have passed at least 1 of the 3 phases, 5 are complete. The technical study and peer review processes have been an extensive deliberation, and there are 23 baseline guiding premises. Please vote yes.

On motion by Council Member Alexander and seconded by Council Member Pacheco and passed by the following roll-call vote the City Council passed to print the draft ordinance authorizing the implementation of a Community Choice Energy Program in the City of Seaside.

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

C. CONDUCT A PUBLIC HEARING UNDER THE TAX AND EQUITY FISCAL RESPONSIBILITY ACT (TEFRA) AND CONSIDER ADOPTING A RESOLUTION IN CONNECTION WITH THE PROPOSED ISSUANCE OF REVENUE BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY FOR THE MONTEREY BAY CHARTER SCHOOL

Deputy City Manager Hodgson spoke to the item and reminded the Council of similar actions taken for the Monterey College of Law. She spoke to the regulations that require the City in which the school resides to authorize this action in order to obtain the ability to secure this type of bond. There is no liability for the City in any way. Anthony Stubbs, representing the Bond issuing agency as well as Cassandra Bridge, Director of Monterey Bay Charter School were present to answer questions. Ms. Bridge spoke to the legal aspects of the Agency noting that they are a 501C3 organization, given status through Monterey County Office of Education and are in their 11th year in existence. They exist under Monterey Peninsula Unified School District, but are under the jurisdiction of MCOE. On question regarding the City's obligations for joining the authority, Anthony Stubbs, assured the Council that once the issuance of the bonds is complete the authority has no more obligation.

Mayor Rubio invited comments from the public:

- Ian Oglesby by spoke to when it came through the Monterey County School Board when he was a board member. He spoke to the applicant being a good organization and spoke in support of approving the request.
- Felix Bachofner questioned how the JPA works, and how there could be no further obligation.

Mr. Stubbs indicated the authority exists with over 250 members throughout California.

On motion by Council Member Alexander and seconded by Council Member Pacheco and passed by the following vote the City Council approved Resolution 17-17 authorizing the proposed issuance of revenue bonds by the California Municipal Finance authority for the Monterey Bay Charter School.	
RESULT:	**Approved**
MOVER:	Mayor Pro Tem Dennis Alexander
SECONDER:	Council Member Dave Pacheco
AYES:	Ralph Rubio, Dennis Alexander, Jason Campbell, Dave Pacheco, Kayla Jones
NOES:	None
ABSENT:	None

10. BUSINESS ITEMS

A. RESOLUTION AWARDING A CONSTRUCTION CONTRACT FOR THE WEST BROADWAY URBAN VILLAGE INFRASTRUCTURE IMPROVEMENTS PROJECT TO MONTEREY PENINSULA ENGINEERING FOR AN AMOUNT NOT TO EXCEED FIVE MILLION NINE HUNDRED NINETY NINE THOUSAND EIGHT HUNDRED NINETY FIVE DOLLARS ($5,999,895)

City Engineer Riedl spoke to the history of the project for the West Broadway Urban Village and the purpose of the improvements to enhance pedestrian safety, improve storm water quality, enhance storm drains to reduce flooding and promote private investment in the community. He spoke to the process and previous contracts approved and noted that this item involves the construction contract to start the physical construction of the project. Mr. Riedl outlined the bid process, results and the evaluation of all of the documents. The City determined that there should be a 7% goal for the Disadvantaged Business Enterprises and good faith efforts and spoke to efforts to evaluate the three lowest bidders according to those standards. They found the Monterey Peninsula Engineering incompliance with good faith effort and was deemed the lowest responsive bidder due to their documentation and efforts. If approved construction work would start April 17th, 2017 and finish in 2018. The public outreach of the project has been done via text messages and personal outreach. Mr. Riedl answered questions from the Council.

Council Member Pacheco expressed concern of exceeding costs and this is written with a 10% contingency. He questioned if there is enough money to cover that 10% if needed to which Mr. Riedl assured the Council it will be monitored as there is a contractor to monitor the construction contractor during every day of construction.
If deficiencies are found, Mr. Riedl indicated it is both the Contract Manager as well as the Construction Contractor that will be responsible and that the E&O insurance will cover any deficiencies in their performance.

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

On Motion by Mayor Pro Tem Alexander and seconded by Council Member Pacheco and passed by the following vote the City Council approved Resolution 17-18 approving the Construction Contract with Monterey Peninsula Engineering as presented.

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

B. CONSIDERATION OF BALLOT MEASURES TO AUTHORIZE NEW GENERAL FUND REVENUES

This item was continued to a Special Meeting. The City Council adjourned to a Special Meeting at 11:28 PM.

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

Due to the late hour, there were no reports made.

12. ADJOURNMENT

On Motion, the meeting was adjourned at 12:40 AM.

Respectfully submitted,

Lesley Milton-Rerig, City Clerk

Ralph Rubio, Mayor