



FINAL MINUTES

CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
COUNCIL CHAMBER
Thursday, April 20, 2017
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, Jones, Pacheco, Rubio

ABSENT: None

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**

Bishop David Higginbotham of the Seaside Branch of the Church of Jesus Christ of the Latter Day Saints led invocation.

4. **REVIEW OF AGENDA**

Staff is recommending pulling item 8B from consideration to return at a later date.

Mayor Rubio requested to add a presentation to the agenda as Item F from the Defense Language Institute Commandant. The City Council unanimously agreed to add the item.

5. **PUBLIC COMMENT**

Mayor Rubio invited comments from the public.

- Judy Carras spoke to being on the Board of Seaside Peace and Justice Center and noted she is grateful for the Seaside Earth day Event at Highland Otis Park. She also noted that there is a Circle of Poison documentary that will be a free showing on Tuesday April 25 at the Peace and Justice Center at 7:00 PM.
- Steve Bloomer, President Seaside High School Alumni Association distributed invitations to the upcoming event explaining it is a scholarship fundraiser for Seaside High School graduates that helps students that want to go on to college.
- Harlem McGinnis spoke in support of the Hot Cars Cool Nights events to be held during the summer. He thanked Staff Members Gloria Stearns and Sharon Mikesell for their extra hard work assisting with coordinating. He thanked the Council for the City's support.

6. **PUBLIC AGENCY COMMUNICATIONS**

There were no requests to speak.

7. **PRESENTATIONS**

A. **PRESENTATION FROM SEASIDE MIDDLE SCHOOL CLASS TECHNOLOGY PROJECT - CITY OF SEASIDE**

Seaside Middle School Principal Manny Nunez presented and discussed the new education model at MPUSD and SMS; together we rise, as part of their project based learning environment that has transformed the school culture. He detailed the rigorous nature of what a project based learning environment is, different than just completing a project, which includes a project launch, research, activates, workshops lectures, bench marks, and at the end they have to provide presentations to an authentic environment. The overall goal is to engage, equip and empower students with creative, functional and critical thinking skills and real life skills. The best part is empowering our students through confidence and perseverance. The students each spoke to the project and the context of the project.

Diego spoke to the driving question or project goal to create promotional materials that would create appeal to those traveling and visiting to our local area. Each group had to pick a city in Monterrey County. Crystal further explained the project that groups were formed and students received contracts which assigned roles, norms and rules to follow through the project. Jalegeo said the project ended with a presentation to Mayor Rubio. The students revealed the end product, a face book page and explained the components and elements that were important about seaside. Katlyn finished the presentation and detailed the functions that they added to the site, the sections and displayed the different programs incorporating feedback. The students answered questions from the Council.

The Council spoke in support of the efforts of the students and for MPUSD under the current administration. Mayor Rubio spoke to how impressed he was with the initial presentation which included the detail and intensity of work that went into the project. He said it speaks volumes to the dedication that the District has to learning and working the systems that are out there and this type of learning environment will ensure that they will be ahead of others as they go forward in life.

B. ARBOR DAY PROCLAMATION AND TREE CITY USA AWARD PRESENTATION

City Engineer Riedl spoke to the City's new designation as a Tree City USA and presented the Mayor and City Council with hats and a plaque. Mayor Rubio and the City Council proclaimed April 28th as Arbor Day in the City of Seaside.

C. PRESENTATION OF THE MARCH 2017 HOUSE OF THE MONTH AWARD

Neighborhood Improvement Program Commissioner Alex Miller co-presented with Mayor Rubio the House of the Month award to the winners for March 2017.

D. PRESENTATION OF THE 2017 BUSINESS OF THE FIRST QUARTER AWARD

Neighborhood Improvement Program Commissioner Alex Miller co-presented with Mayor Rubio the Business of the quarter award for the first quarter of 2017 to Mariposa Assist. The Business Owners indicated that this is their one year anniversary and the Council thanked them for the improvements they have made to the property and for the needed services that they provide in the community.

Council Member Alexander arrived at 7:32 PM.

E. PROCLAMATION OF SMALL BUSINESS WEEK APRIL 30-MAY 6, 2017

Mayor Rubio and the City Council proclaimed the week of April 20-May 6 as Small Business Week in the City of Seaside and Economic Development Manager Stearns and Administrative Analyst Mikesell presented several present small businesses with copies of the proclamation and thanked them for the impacts that their small businesses make in our community.

F. PRESENTATION OF CALIFORNIA ASSOCIATION OF LOCAL ECONOMIC DEVELOPMENT (CALED) AWARD OF MERIT TO THE CITY OF SEASIDE FOR "PARK-ING DAY; TACTICAL URBANISM TO JUMP-START ECONOMIC MOMENTUM"

A representative from CAL ED presented the Economic Promotion Award of Merit to the City of Seaside for their Parking Day Event to jump start Economic Momentum in the downtown area. He spoke to team nature of the program event and acknowledged that it was selected because it was a true joint effort between different departments and community members.

8. CONSENT CALENDAR

As approved at the beginning of the meeting, A presentation was made from the Commandant of the Defense Language Institute, Colonel Deppert acknowledging and thanking the City of Seaside for their support of the military community and their inclusive, welcoming efforts to assist families and the installations are part of the community.

Moving on to the consent agenda, Mayor Rubio asked if the Council or members of the public would like to pull any times for consideration. Items C and F were pulled for consideration.

Mayor Rubio invited comments from the public on the Consent Agenda.

- Peter Keiser spoke against the item regarding the Pride Parade and believes that the support of the LGBT community will be a negative impact to the Seaside Community. Doesn't want Seaside to waive the money or be known as an existing LGBT supportive community.
- A Resident spoke in support of Mr. Keiser's comments, and that the item is not conducive of the City.
- Cindy Burray said that if you look at what goes on at a parade like this in San Francisco it is not a family friendly event and discouraged support of this item.
- Judy Carras thinks that the National Coalition Building Institute is a good organization and that this would not be in the same mold or fashion of events in San Francisco. There are LGBT people who live in Seaside and we should be an inclusive community. She spoke in support of the item approval.
- Tyler Williamson, a member of the LGBTQ community requested supporting the request as it will help with diversity for those in the area, bring Cities together and honor the pride of those that celebrate.
- Pastor Eugene Jones spoke against the waiver of money for the parade, in line with his religious beliefs. City funds are better used in different areas. To be more inclusive and do better for the youth the money should not be waived and instead spent on youth programming.
- Reverend HH Lusk speaking on behalf of the Ministerial Alliance spoke to the item and agrees with the Mr. Keiser and requested that the fee waiver be rejected. He indicated that the parade can happen, but requested it be without a waiver of fees from the City.
- Helen Rucker spoke against discriminating against any citizens as not acceptable, having suffered discrimination personally. She sees that if the City denies this opportunity, that many other organizations would then need to be rejected going forward, such as the NAACP events. This is to get the City of Seaside to understand that we are all human beings and should not be discriminated against. Please have enough sense to be accepting of all people.
- Ivan, a Middle School Teacher spoke for tolerance and diversity. He works with people in classrooms, Pastors work for people in churches. Please embrace tolerance and acceptance. Don't be hateful; they are a minority group asking for help. Please rethink it, and your values and commitment, accepting and respecting differences.
- Pastor Murray said they are not discriminating against any one, it is a fee on the agenda,

and it is not talking about any human being, but stand with the teachings of the bible. You can't love God but hate your brother. He ensured that there was no harmful message stated against human beings, just against the waiving of a fee. He spoke to having three people in his congregation that are of the LGBT community and he indicated that his congregation does not discriminate. Not speaking against a person, but only waiving of a fee.

Mayor Rubio indicated that because of the public comment, the item is pulled and requested to hear a staff report on it.

On motion by Council Member Jason Campbell and seconded by Mayor Pro Tem Dennis Alexander and passed by the following vote the City Council approved the Consent Agenda remainder.

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

A. APPROVE MINUTES OF APRIL 6, 2017

Action: Approved

B. APPROVE AND FILE CITY CHECKS

Action: Approved

C. APPROVE APPOINTMENTS TO BOARDS COMMISSIONS AND COMMITTEES

Council Member Jones expressed questions and concerns about the process of making recommendations for appointments to boards and commissions and read and spoke to an email that was sent by an individual who applied for and was not appointed to a commission. The letter cited frustration with the process, with communications with the City Clerk and the letter requested that she be reconsidered. Council Member Jones asked the Mayor for clarification on points of the email. Mayor Rubio spoke to the Council Sub-Committee's multiple unsuccessful attempts to coordinate a meeting and successful attempts to schedule meetings with all of the other applicants. Council Member Campbell expressed concern with the author's communication concerns and the personal meetings scheduled citing it was short notice for some, but most people were able to make it. Council Member Campbell also questioned why one recommended applicant's application was not in the packet to which City Clerk Milton retrieved the application and provided it to the Council and the public assuring them it was a clerical error and not due to transparency issues. City Clerk Milton spoke to the application process and communication she had with the author, as well as other applicants and answered other questions of the Council.

Mayor Rubio invited public comments:

- A resident requested clarification that applicant's requested position, does that mean they have to reapply for another commission to be considered.
- Alex Miller Neighborhood Improvement Program Commissioner spoke in support of the responsiveness of the application process and to his personal experience being appointed to a commission.
- Bob Constant spoke to receiving email notifications and adequate communications as part

funds.

On motion by Mayor Pro Tem Dennis Alexander and seconded by Council Member Dave Pacheco and passed by the following vote the City Council Approved the contribution request 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

G. APPROVE A FEE WAIVER REQUEST FROM NATIONAL COALITION BUILDING INSTITUTE (NCBI) FOR THE COST ASSOCIATED WITH THE FIRST 2017 PENINSULA PRIDE PARADE

Recreation Director Towne spoke to the details of the application as written in the staff report and answered questions from the Council.

Council Member Pacheco and Council Member Jones spoke in support of the item. Council Member Campbell questioned if there are other local pride parades to which staff responded this is the only one in the County. On question to Ms. Towne asking if we waive fees for other parades, she responded that yes the City has waived fees for the Martin Luther King march and the 4th of July Parade of Champions. On question Police Chief Jackson respond that they have not gotten any indication that there would be any targeting of this event and that Police will have staff on hand to respond to any concerns or potential threats. Council Member Alexander spoke in support of the item and the past Councils who have worked hard to improve transparency and consistency and being inclusive.

Mayor Rubio questioned the 501 C3 Nonprofit status to which Ms. Towne verified that they have submitted all appropriate paperwork designating them as a 501 C3. He spoke that the decision cannot be based on content, but on process. The City allows parades, and has given waivers for 501 C3 organizations, so unless you can find an unusual circumstance, to deny, he does not believe we have a justified authority to.

Mayor Rubio invited additional public comments on the item.

- Ian Oglesby spoke that the City cannot fall into the trap of approving all parades, based on past practices. You should reserve your rights for any 501 C3 anti that may want to have a parade also.
- Resident asked that once the gate is open, is there anything that will allow the gate to close?
- Felix Bachofner expressed concern that we have to allow all other parades to get a fee waiver if this is approved. He expressed that the consideration should be to the impacts of the event to be weighed into the determination.

Mayor Rubio indicated that the Council will always retain its power of discretion. If they don't find anything that would disqualify this waiver, the Council has the ability to fund it at a fiscal level. City Attorney Freeman cautioned the Council that decisions must be content neutral and can only regulate time, place and manner and we have to allow equal opportunity otherwise. The Council discussed the merits, the process and the opportunities to discuss in the future.

Council Member Jones made a motion to approve the fee waiver request for the full cost of the request as presented. The motion was seconded by Council Member Pacheco. Mr. Pacheco spoke to the hope that they understand that they would be representing the City of Seaside if the waiver is granted. Mayor Rubio spoke to the concern about the full cost of the event. He would have preferred to see that the organizers come up with half and accept some responsibilities for the outcomes. He is not supportive of a full waiver. He is only supportive of a 50% waiver. Motion passes 3-2.

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

H. APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM SEASIDE HIGH SCHOOL BOYS BASKETBALL

Action: Approved

9. BUSINESS ITEMS

A. CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING WITH THE CALIFORNIA SUNSHINE REGIONAL CENTER TO ALLOW CITY OF SEASIDE PROPERTIES TO BE CONSIDERED FOR INVESTMENT VIA THE EB-5 VISA PROGRAM

Economic Development Manager Overmeyer spoke to the item and explained that it is a visa program to allow immigrants to make large investments in the United States allowing investors to invest in projects locally and if jobs are created, will be compensated with a visa. The EB-5 creates a regional center that allows multiple investors to join together for a project. This action does not obligate the City and speeds availability of capital through this program but in the end it makes a helpful tool for delivering projects locally. The two representatives from the California Regional Sunshine Center were present for questions. Staff answered questions from the Council.

Council Member Jones spoke to recent cases that have found fraudulent situations with regional centers due to gerrymandering. She spoke to comments made at the state level expressing concern with the flaws of the program, and indicated she would not want Seaside to be used to buy a way into the Country with no benefit. Mr. Overmeyer responded that the fraud was against the investors and the issue is handled by the Department of Homeland Security, who approves investors prior to the investment. He spoke to the existing operation of this in Watsonville, CA. Yes, there are problems that are being addressed such as the one in New York, and that he does not think it is a problem with in this local Regional Center. Council Member Jones further questioned the legislation that is set to expire April 28th and September 30th questioning how would that affect Seaside. Mr. Overmeyer said there are six different bills working its way through Committee. If they do not pass, the Regional Centers will dissolve, leaving no obligation with the agreement. Council Member Campbell questioned if a local person who has \$500,000 to invest can apply that to bring someone into the country to which a representative responded that it has to come in the form of capital and further explained also that the source of funding would be looked at if it is legitimate and sustainable income.

Mayor Rubio invited comments from the public.

- Felix Bachofner spoke to the fact that this type of money issues happens in every country. This will not get rid of the EB5 program. By saying no, you would not be closing an avenue of investment into Seaside. At the same time, it may be unseemly to accept wealthy individuals into the country for money, but it does create jobs, which we need in Seaside. This program is offering ability for the City to secure its financial future and leverage our property base for the number of investors for acquiring and developing properties. It's not perfect, but it's not different from the rest of the world. The up sides exceed the downside.

Mayor Pro Tem Alexander motioned to approve the item as presented and was seconded by Council Member Campbell. Council Member Jones speaking on the second commented that just because it exists around the world, does not make it right and that it goes against her philosophy so she cannot support the item.

Motion passes 4-1 Jones voting no.

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

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

Council Member Pacheco spoke to attending the Youth Violence Prevention Committee and reported that there was honest dialogue that will improve services for youth in the community. He spoke in support of the staff at the SYRC and that the program is establishing a plan to make a difference and reduce youth violence and hopes that it continues in one form or another. Attended the MPUSD Board Meeting where he received a report on AB 288 to expand dual enrollment for high school students and it creates a seamless pathway to college. He informed the community that at Pachetti Park there will be a dog fashion show and spoke to the entertainment of the event. He did express frustration with a signal light in Seaside that has been out at Del Monte and Canyon Del Rey and requested staff to follow up on the repair. Mayor Pro Tem Alexander spoke to the Joint Board and Commission meeting regarding the economic future of Seaside and he spoke positively about the way that Seaside is taking seriously public comments and modeling those comments into recommendations. He thanked the Police and Fire staff for attending the soon to be public safety academy. City Manager Malin thanked the City Clerk for her efforts. Mayor Rubio spoke to the committee assignment meetings he attended and the business conducted. He spoke to the recognition of CSUMB President Ochoa by the Daughters of the American Revolution on the local, state and national level.

11. ADJOURNMENT

On motion the meeting was adjourned at 9:41 PM.

Respectfully submitted,


Lesley Milton-Rerig, City Clerk


Ralph Rubio, Mayor