



FINAL MINUTES

CITY OF SEASIDE
CITY COUNCIL/ SUCCESSOR
AGENCY TO THE
REDEVELOPMENT AGENCY

JOINT SPECIAL MEETING
COUNCIL CHAMBER
Thursday, September 7, 2017
5:00 PM

1. **CALL TO ORDER**

Mayor Pro Tem Alexander called the meeting to order at 5:30 PM.

**CITY COUNCIL/SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY OF THE
CITY OF SEASIDE**

PRESENT: Alexander, Campbell, Jones, Pacheco
ABSENT: Rubio

2. **PLEDGE OF ALLEGIANCE**

The Pledge was led by Council Member Campbell.

3. **PUBLIC COMMENT**

Mayor Pro Tem Alexander invited comments from the public and had no requests to speak.

4. **CLOSED SESSION**

City Attorney Freeman reported that items 4A and 4B will not be discussed. He did not anticipate any announcements for the public on any of the items to be discussed. Mayor Pro Tem Alexander invited comments on any of the Closed Session items and had no requests to speak. The City Council adjourned to Closed Session at 5:05 PM.

A. **CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9**

This item was not discussed.

B. **CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (2) (d) -
ANTICIPATED LITIGATION**

This item was not discussed.

C. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO
GOVERNMENT CODE SECTION 54956.8:**

There was no announcement on the item.

D. **PURSUANT TO GOVERNMENT CODE 54957.7 -PUBLIC EMPLOYEE PERFORMANCE
EVALUATION**

There was no announcement on the item.

E. **PURSUANT TO GOVERNMENT CODE 54957.7 -PUBLIC EMPLOYEE PERFORMANCE
EVALUATION**

There were no announcements on the item.

The City Council reconvened to open session at 6:05 PM

5. **CONSENT AGENDA**

Mayor Pro team Alexander invited comments from the Council and the Public and there were no requests to speak.

On motion by Council Member Campbell and seconded by Council Member Jones and passed by the following vote the City Council approved the Consent Calendar as presented.

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

A. **APPROVE AND FILE SUCCESSOR AGENCY CHECKS**

Action: Approved

B. **APPROVE THE MINUTES OF AUGUST 17, 2017**

Action: Approved

6. **STUDY SESSION**

A. **REVIEW, DISCUSS AND CONSIDER FUTURE REGULATIONS CONCERNING FIREWORKS WITHIN THE CITY OF SEASIDE AND THE INTRODUCTION OF A COMMUNITY FIREWORKS EVENT**

City Manager Malin introduced the item, denoting the history of the beginning of fireworks as part of our Country's history. Fire Chief Dempsey presented the after action report from the July 4th holiday for 2017. He explained the Fire, Police and Public works activity for the day, including the calls for service, responses, citations, contacts as well as the clean-up staffing. He reported there were no structure fires due to fireworks this year. The total fiscal impact, which justifies the surcharge to pay for the enforcement and clean up for the event, was a net cost to the general fund of \$3,282.21. In 2016 there were 10 permits issued, 2017 there were 9 and the gross sales were similar. Mr. Malin spoke to the email and data that was received by Mr. Revel earlier and provided to the Council and public. Mr. Malin explained that there are three main categories of discussion; a potential community fireworks display option, enhanced or innovative enforcement or the continuation of safe & sane fireworks. All of which are related topics, but not necessarily interdependent. He then discussed the fact there are models out there for very successful large community fireworks displays. He acknowledged there is an enthusiasm for fireworks in the City and by utilizing that enthusiasm; we can have a very successful event. He explained the City Council approved \$20,000 in the FY 17-18 budget and that Bayonet/Blackhorse Golf Course has agreed to host the event and a large community party. He discussed alternatives and options about the event, partnering, revenue discussions, costs, alcoholic beverages, family friendly nature and other options. He then spoke to the challenges with enforcement with current regulations, the

difference between illegal use, and safe and sane usage, challenges of enforcing citations, and safety issues. He listed possible options including contracting with other departments for enforcement, increasing fines, adopting a social hosting ordinance, or utilizing technology for enforcement. His concern was that there may be an added expense to these options. Alternately, the Council could ban fireworks which make everything you see illegal. The Council discussed the options.

Mayor Pro Tem Alexander spoke to the past Council discussions and actions and questioned if there is evidence that safe and sane lead to the use of illegals to which staff indicated there is no necessarily direct correlation. Council Member Pacheco presented his comments, speaking to his Town Hall meeting held last month with great attendance and discussion. He spoke to the other cities regulations and other communities reactions after banning fireworks. He spoke in support of a professional community show, as a positive way to reduce illegals. He spoke to the financial impact that the non-profits make during this event, acknowledging that raising major dollars for their causes is difficult. He believes our enforcement has been ineffective and the issues gets worse every year and believes there has to be an alternative solution. He questioned if fireworks are banned is there any proof that illegals would be reduced to which Police Chief Jackson does not believe that is absolutely correct, however it does provide accessibility. Those using safe and sane, are not necessarily the same as those using illegals. On further questioning, Chief Jackson responded that it's not a resource issue, but a process issue, in that catching in the act and prosecuting is the challenge. The Council discussed incorporating fireworks into our social host ordinance, increasing the fines to encourage enforcement, as long as there is a rational relationship between the crime and the offense, the possibility of making it an administrative citation instead of a criminal citation, and the possibility of using drones to use drones for enforcement and the possibility to have an initiative as a ballot measure for a public to vote.

Council Member Campbell spoke to the current costs to the city, and questioned if the cost of disposal of fireworks evidence was included and also spoke to the issue of benefits to the nonprofits is an issue, but indicated that the most important issue is to minimize the use of illegals. We need to focus our citizens on other, positive things, public displays, parades, and community events so the focus is not on illegal fireworks. The Council also discussed the need for public education as a deterrent.

Mayor Pro Tem Alexander invited comments from the public.

- Resident requested the police department to go door to door for public education and for those that have been known as illegal fireworks users, to have extra visits to their house.
- Pastor Fred Meeks from the Carpenter House spoke to the challenge to raise funds and all the other avenues they use to fundraise. Encouraged crafting a law that can be enforced. They are in support of the regulations to make the community safer.
- Gladys Houston by allowing fireworks, this allows injury to citizens, and takes away legal rights of the citizens to the enjoyment of their property.
- Resident is frustrated that the Police Department cannot intimidate people enough to enforcement.
- Steve Bradford spoke to leaving the City for the holiday because the explosions cause massive disruption. He spoke in support of prohibiting all fireworks and increasing enforcement.
- James Alexander spoke to representing one of the non-profits, and disagrees that there are other equal options for fundraising as this event. He did acknowledge the impacts, but he thinks that the help for the youth in the community and deterring youth from gangs is worth the discomfort.
- John Wizard believes unmanned aircraft might not be the right tool for the job. A point of reference, the FAA has said in their legal findings, they own every mm of airspace, so there are some preemption issues. He suggested, using a regulation that you can use it in a zone,

and if out of the zone it's illegal which allow helping police do their job.

- A citizen stated there is no positive correlation between banning safe and sane and reducing illegal fireworks but there is a correlation between banning safe and sane and increasing illegals. He spoke to the positive benefit and the predictability of revenue for his non-profit through the sale of fireworks. He believes that programs and opportunities for youth, that benefit from the program throughout the year is life changing and is more important.
- Paula Duncan Adams spoke to fireworks through the years. This year, there was a ban of fireworks in her neighborhood, by the management and it worked. The fine has to be stiff enough to be a true deterrent. Her neighbors were fearful of being evicted and it worked.
- Dennis Revel from Revel Communications, he has represented TNT Fireworks since 1991 in the state. He spoke to his provided information from the League of CA cities and said that throughout the state, illegals have reached epic proportion. The public safety cannot be expected to stop what's coming into the state this year and hopes there will be action on a State level to make impacting legislation. The single largest factor is if the State stops the product from coming into the State to start with.
- Felix Bachofner two concepts he shared, agreeing with the Chief that this is a cultural and educational shift that needs to end. Messaging is important, on all levels. He spoke to his solution to disallow safe and sane fireworks, with exceptions of designated spaces.
- Ian Oglesby indicated that the issue is the illegal fireworks, why don't we have zones? If the Council choses to ban all fireworks, give them a time period to allow them notification of when it will stop and suggested designated areas so that the PD can enforce.
- Alice Jordan spoke in support of the impacts of the non-profits and believes that more public outreach is critical to proper compliance.

Public Comment was closed. Mayor Pro Tem Alexander responded to public comments made.

Council Member Pacheco questioned the possibility of designated areas for fireworks, can it be done and what is the length of that process to make it happen. City Attorney Freeman indicated it is possible but would be a project under CEQA requiring a determination which could take us 4-6 months, unchallenged. He also stated that under the current ordinance, we have the ability to issue citations, against the property owners as long as we know its occurring on their property. Council Member Pacheco spoke to the fact that fireworks can be a family and community unifying thing. He requested that at a future meeting to bring forward a portfolio of options for action and suggested we continue to have the fireworks sales for 2018 as well as making the fireworks display an event instead of just a show where you allow and require the firework vendors to volunteer at the event. Make it a two year event minimum, so that if the show is canceled, the City will resume the sale to safe and sane and bring the action to a vote in. Further, enforce the concept of enforcing through social hosting, and increasing or maximizing the penalties and review the possibility of using drones or mechanical mechanism to enforce the law.

Council Member Campbell said that difficulty to enforce the illegal fireworks ordinances is not an excuse to tolerate it. Once it's under control again, we can look at other restrictions. His suggested ideas included sending letters to exiting known offenders and significant public outreach including letters to kids at the end of school, notifying the property owners that their tenant's housing is at risk is a good thing. It's a matter of the community and the public safety banning together to not tolerate any longer and landlords should be encouraged to put it in their leases. He also requested staff to come back with a menu of options, no later than December.

Mayor Pro Tem Alexander likes that we get input from the community and would also like host of different options. If we ban them, it will allow public safety to see who is doing this illegally. He closed by understanding there is a lot of frustration and spoke in support of the Police and Fire Department responses, who he attested were working diligently over the holiday but we just have to find a better way to enforce that which is illegal.

The Council concurred with the suggestions and requested that a host of solutions be brought back to the Council for action.

7. **ADJOURNMENT**

On motion, the meeting was adjourned at 7:49 PM.

Respectfully submitted,


Lesley Milton-Rerig, City Clerk


Ralph Rubio, Mayor/Chair

