



CITY OF SEASIDE
CITY COUNCIL

FINAL MINUTES

REGULAR MEETING
COUNCIL CHAMBER
Thursday, May 3, 2018
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**

4. **REVIEW OF AGENDA**

No changes to the agenda.

5. **PUBLIC COMMENT**

Mayor Rubio invited comments from the public.

- Mel Mason, Village Project spoke to May being Mental Health awareness month and spoke to their 10 Year Celebration May 11, 2018.
- Catherine Crocket thanked the Council for sponsoring the Sustainable Seaside Event. She spoke to the success of the event and thanked the City for their assistance.
- Reverend Kenneth Murray requested consideration of Reverend HH Lusk as he is dealing with a sickness; he thanked the City and the PD for their support for the Domestic Violence Conference and spoke to the last City Council meeting expressing that he felt he was treated disrespectfully by a member of the Council. Members of the public have the right to give their opinions under public comment and should not be treated poorly, especially if they give their comments in a respectful way. The Ministerial Alliance requested a meeting with the Mayor and City Attorney Freeman to further engage about the remarks that came from the City Council Member.
- A resident spoke to the closure of Carlton Drive and to the positive impact of the speed control lights positively so speeding is no longer an issue and requested consideration of other traffic calming measures instead of closing the road.
- Michael Campos spoke to the condition of the roads and to the recent study session on road repairs. He questioned how much money has been received from Measure L and how much of it will be used for road repairs.
- Natalia Molina spoke about the National Coalition Building Institute of Monterey whose mission is to end discrimination and intolerance and invited the Council and the public to the event on Saturday May 19th 10-12 pm at the Oldemeyer Center.
- Regina Mason spoke on behalf of the Monterey County Branch NAACP and invited the Council to the NAACP 46th annual Freedom Fund Gala May 23th at Hyatt Regency, honoring civil rights icons in the community.
- Karen Berry spoke to previous comments about traffic and believes it will continue with lack of enforcement. She encouraged people to attend the Del Rey Oaks City Council

Meeting Tuesday May 22nd at 6PM to express concerns about Carlton Road. She spoke in agreement with Mr. Murray's comments about behavior at the last meeting that the public showed much respect and she shocked that the respect was not returned from the Council Member.

- Ian Oglesby also spoke about the closure of the road, and agreed that the Council should respect the rights of Del Rey Oaks but hopes the Council would be on record that our citizens are impacted also.
- River Navai thanked the Council for approving the fee waiver for Monterey Peninsula Pride event and thanked the community members who spoke in support of the item and for ending discrimination and preserving the freedom of speech.

6. PUBLIC AGENCY COMMUNICATIONS

- Recreation Superintendent Dan Meewis presented the council for the Volunteer Choice Award granted to the Parks and Recreation Commission from CPRS.
- Natalia Molina presented the winner of the Portal Project design and thanked everyone for their support and participation.
- City Engineer Rick Riedl announced the West Broadway infrastructure improvements will be completed by June 7th.
- Lara Kushner from the County of Monterey Workforce Development Board and spoke to the youth job fair at the Oldemeyer Center on May 30th for youth 16 -24 years of age.
- Mayor Rubio spoke to four years ago he was diagnosed with an incurable disease, and stated that he will not seek re-election.
- Mayor Pro-Tem Alexander also informed the community that he will not seek re-election but will devote his time to serving the Red Cross as well as the Sheriff's Department Search and Rescue team.

7. PRESENTATIONS

A. PROCLAMATION OF ECONOMIC DEVELOPMENT WEEK, MAY 6-MAY 12 IN THE CITY OF SEASIDE

Action: Presented

B. PRESENTATION AND RECOGNITION OF THE SEASIDE POLICE DEPARTMENT SUPPORT SERVICES EMPLOYEE OF THE YEAR

Action: Presented Miguel Montes with the Award

C. PRESENTATION FROM OFO REGARDING THE POTENTIAL OF ESTABLISHING THEIR COMMERCIAL DOCKLESS BIKE SHARE PROGRAM IN SEASIDE

Katie Stevens from OFO provide the information about the idea of a dock less bike and spoke to the functionality of the bikes, to the technology and to their efforts to partner with other jurisdictions, including CSUMB. She spoke to ways to incentivize users to park the bikes back in specific areas and will work with the City to establish the preferred parking zones. Ms. Stevens answered questions from the Council. Council member Pacheco questioned if the project would create jobs to which Ms. Stevens said they bring the project manager but hire the remaining staff as local hires.

D. PRESENTATION FROM MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT SUPERINTENDENT REGARDING ANNUAL PERFORMANCE REPORT

Monterey Peninsula Unified School District Diffenbaugh presented the State of the District report

and shared their vision and progress toward becoming one of the finest public school systems in the Country. Over the last three years there have been great efforts to change the culture of the District. He highlighted increases in the early learning education, music and arts expanded in all grades, commitments to students that are connected with the military, social emotional support strategy implementation as well as the Positive Behavioral Intervention and Support program. Mr. Diffenbaugh highlighted the honors of recognitions that six of the schools have received and stated there were more than 200 positive newspaper articles in four years about the district. He closed by showing examples of the Measure P infrastructure improvements that have been accomplished and those that are planned for the recent future, and noted there are many infrastructure needs that are required across all campuses. The Council asked questions of Superintendent Diffenbaugh.

The Council asked if student scores increased and by how much to which he responded that when he arrived, there were 38% meeting requirements to be eligible to attend a CSU program and has increased to 60%. He spoke to the project based learning model being one of the most attributed features and all of the building improvements made catering to that learning environment. On question about facility improvements, he spoke to the citizen advisory committee that helped prioritize the improvements. Council Member Campbell spoke to the economic benefits to the community of a positive school program. The Council commended the District on the positive changes that they have seen for our community and our young residents.

E. RECEIVE REPORT ON THE SEASIDE CAL GRIP GRANT AND YOUTH VIOLENCE PROGRAM

Jan Roehl, consultant for the Gang Reduction Intervention and Prevention Program presented the final report for the grant period. The program was developed in 2013 and 2014 during a time of high violence in Seaside, many issues were gang related. She outlined the project partners that assisted with creating the One Stop Youth Resource center that provided referral services for youth that were at risk of youth violence. She outlined all of the SYRC activities and the population served throughout the grant period. With the discontinuation of grant funding, the City will continue to fund the program but the Community Based Organizations are cutting back on the programs. On question of how the City will continue helping kids and lowering crime, Program Manager Ashley Collick said that the Youth Resource Center will continue to operate and will maintain partnerships and that CBOs remain committed to working together. The Community is still invested in the success of youth.

8. CONSENT CALENDAR

City Manager Malin indicated Item G was continued. Items D and J were pulled for consideration. Mayor Rubio invited public comment on the balance of the Consent Calendar and had no requests to speak.

A. APPROVE MINUTES OF APRIL 19, 2018

Action: Approved

B. APPROVE AND FILE CITY CHECKS

Action: Filed

C. APPROVE A FEE WAIVER REQUEST FROM COUNTY OF MONTEREY WORKFORCE DEVELOPMENT BOARD FOR THE USE OF LAGUNA GRANDE HALL FOR THEIR YOUTH JOB FAIR

Action: Approved

D. APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM SEASIDE HIGH SCHOOL VARSITY AND JUNIOR VARSITY BASEBALL TEAM

The Seaside High Baseball team spoke to the intent of the funds and requested the Council to support the contribution.

On motion by Mayor Pro Tem Dennis Alexander and seconded by Council Member Jason Campbell and passed by the following vote the City Council Approved the item as presented.

RESULT: **Approved**

AYES: Ralph Rubio, Dennis Alexander, Jason Campbell, Dave Pacheco, Kayla Jones

NOES: None

E. GRANT APPLICATION APPROVAL FOR ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT IN THE AMOUNT OF \$193,556 FOR RECRUITMENT AND RETENTION OF VOLUNTEER FIREFIGHTERS.

Action: Authorized and passed Resolution 18-28

F. APPROVAL OF APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Action: Approved

G. RESOLUTION TO MODIFY THE POSITION CONTROL LIST TO ADD ONE ADDITIONAL DEPUTY POLICE CHIEF, DELETE TWO POLICE COMMANDERS AND ADD ONE POLICE OFFICER DEDICATED TO TRAFFIC OPERATIONS.

Action: Continue

H. APPROVE RESOLUTION AWARDING CONTRACT FOR THE PUBLICATION OF LEGAL NOTICES

Action: Approved Resolution 18-29

I. APPROVE A RESOLUTION CALLING FOR AN ELECTION ON NOVEMBER 6, 2018 IN THE CITY OF SEASIDE TO ELECT ONE (1) MAYOR AND (2) COUNCIL MEMBERS, TO AUTHORIZE CONSOLIDATION WITH MONTEREY COUNTY'S GENERAL ELECTION AND TO APPROVE AN AGREEMENT WITH THE MONTEREY COUNTY ELECTIONS DEPARTMENT FOR ELECTION SERVICES

Action: Approved Resolution 18-30

J. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE APPROVING THE 2018 FIREWORKS SURCHARGE PERCENTAGE.

Action: Approved Resolution 18-31

Fire Chief Dempsey spoke to the services that were performed and the total revenue generated does not cover all expenditures for the holiday impacts. On question he clarified that this surcharge does not help fund the planned 4th of July celebration but is exclusively for the enforcement of safe and sane fireworks. Mayor Rubio invited comments from the public.

- Alice Jordan indicated that funds from the fireworks sales are used to fund the Youth Summit and that there have been many complaints about the surcharge and she believes it impacted sales and she requested to lower the percentage.
- Regina Mason volunteers at the booth, and believed that the surcharge was for Fire and Police patrols but she did not witness either service in the previous year.
- Felix Bachofner requested to provide data on what fireworks sales have been since adoption

of the charging structure. He thinks there is a fall off of sales since implementation.

Mayor Rubio spoke to the intent of the charge to mitigate issues created from those that chose to purchase fireworks; therefore they should be responsible to fund it.

K. APPROVE RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN OPERATING AGREEMENT WITH OFO TO ESTABLISH A COMMERCIAL DOCKLESS BIKE SHARE PROGRAM IN SEASIDE

Action: Approved and passed Resolution 18-32

9. PUBLIC HEARING

A. INTRODUCTION OF AN ORDINANCE MODIFYING MUNICIPAL CODE CHAPTER 2.14 UPDATING THE CONFLICT OF INTEREST CODE AND ELIMINATE CHAPTER 2.10 POLICE RESERVE

Public Affairs Officer/City Clerk Milton indicated this is a required action every two years to ensure our conflict of interest code is up to date. The only changes made reflect the internal organizational changes of personnel. Mayor Rubio invited comments from the Council and the public and had no request to speak.

On motion by Council Member Jason Campbell and seconded by Council Member Dave Pacheco and passed by the following vote the City Council passed to print the draft ordinance.

RESULT: **Approved**

AYES: Ralph Rubio, Dennis Alexander, Jason Campbell, Dave Pacheco, Kayla Jones

NOES: None

B. REAFFIRMING CONSISTENCY OF THE COMPREHENSIVE UPDATES TO THE ZONING CODE, AMENDING TITLE 17 OF THE SEASIDE MUNICIPAL CODE, WITH THE FORT ORD REUSE PLAN. THIS ITEM HAS BEEN SCHEDULED TO CONDUCT A PUBLIC HEARING TO REAFFIRM THAT ADOPTION OF TEXT AMENDMENTS TO THE ZONING ORDINANCE, AMENDING TITLE 17 (ZONING CODE) OF THE SEASIDE MUNICIPAL CODE, IS CONSISTENT WITH THE BASE REUSE PLAN OF THE FORT ORD REUSE AGENCY

Economic Development Manager Overmeyer indicated this is a procedural item to ensure the City is working within the confines of the Fort Ord Base Reuse Plan. He acknowledged there are elements that have not been adopted, mostly concerning noise, but CEQA documents and development agreements have addressed the issues. He noted only substantial compliance is required and both FORA and Seaside staff agree the City is in substantial compliance. He further stated the City is adopting a new general plan update and will adopt a Fort Ord overlay as part of the zoning ordinance that will ensure compliance. Council Member Pacheco questioned if the senior living facility will be impacted by this action or the Nurses Barracks project expressing concern of the lack of substantial development of new buildings in the City to which Mr. Overmeyer indicated that the Seaside Senior Living project will be delayed until there is a consistency determination. The other project will not be impacted at this time.

Mayor Rubio invited comments from the public.

- Ian Oglesby believes there has been development but that much of it has been stifled by lack of water and the economic downturn. He encouraged consistent updates on

development projects.

- Felix Bachofner indicated that there have been many developments such as renovations of dealerships being remodeled or rebuilt.

Mr. Pacheco clarified that he said "significant" new development and was not referring to properties being repurposed or redeveloped. He spoke to wanting projects to move forward and come to fruition and spoke in support of approving the item as presented as a way to help projects move forward.

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 Resolution 18-33 affirming adoption of text amendments to the Zoning ordinance is consistent with the Base Reuse Plan.

RESULT: Approved

AYES: Ralph Rubio, Dennis Alexander, Dave Pacheco, Kayla Jones

NOES: Jason Campbell

C. INTRODUCTION OF AN AMENDMENT (FILE No. SMA-17-03) TO CHAPTER 17 OF THE SEASIDE MUNICIPAL CODE (ZONING CODE) TO ADOPT SHORT-TERM RENTAL REGULATIONS WITHIN RESIDENTIAL DWELLINGS.

Senior Planner Medina introduced the item defining a short term rental outlined the City Council and Planning Commission meetings to draft regulations intending to strike a balance of allowing the activity while addressing unanticipated consequences of neighborhood compatibility. He discussed the following points identified in the multiple meetings including economic impacts, neighborhood compatibility, noise, safety, cultural, enrichment, affordable housing and code enforcement. He detailed all of the discussions that took place including maximum occupancy, parking issues, local contact person for responding to any nuisances, noise, property maintenance, good neighbor requirements and revocation of licenses. Mr. Medina listed the Planning Commission recommendations for Council considerations: Remove transient occupancy Tax from Chapter 19 and place in Chapter 3. Remove cap on hosted permits until it's known how many grandfathered permits exist; allow grandfathering on all non-hosted permits which exist on or before April 11, 2018; and removal of the block face cap.

City Attorney Freeman followed up speaking in support of the PC recommendation as he proposed it to the Commission. He additionally recommends that the complaints be reduced to two.

The Council discussed the recommendations as presented. Council Member Campbell expressed concern regarding the elimination of the cap and encouraged data mining instead of removing.

They also discussed parking and requested that the grandfathering period be extended to 60 days to ensure proper notification of existing STRs.

Mayor Rubio invited comments from the public.

1. Jan leisure president of Monterey County Vacation Rental agreed with Mr. Freeman that Pacific Grove made legislative decisions without empirical data which has caused them problems. He requested clarification or correction that the draft ordinance uses the word permit and license interchangeably.
2. Robert Lewis, spoke to the fact that the system is self-regulating due to the reviews, and in support of the cultural enrichment neighborhood compatibility.
3. Mary Brinton agreed with the positive aspects of hosting STRs and requested a reconsideration of the limit on persons per bedroom.
4. Murray Wagon spoke in support of the draft ordinance, with the exception of the parking

- regulations requesting it be removed.
5. Noelle Ehab indicated their STR allows her family to facilitate a nonprofit that raised money for refugees in the Middle East. Please approve the use.
 6. Nina Beaty expressed concern regarding non-hosted STRs believing that STRs are the root cause of affordable housing issues. She spoke against the draft ordinance.
 7. Dennis Volks said it is not a homeowner's job to provide affordable housing and converting properties back out to long term rental will not necessarily add to affordable housing stock. Spoke in support of regulations and requested revision of the cap of people per room.
 8. Jon Wizard spoke in support of a thoughtful process but thinks that comments that code enforcement will be proactive, is not an appropriate expectation. He requested answers to his previously submitted 13 questions and thinks there needs to be more thoughtful consideration before approving.
 9. Susan Bradly believes STRs have helped rebrand Seaside positively and requested reconsideration of parking regulations and persons per room as some houses offer many other sleeping options such as sleeper couches and lofts that are not technically bedrooms.
 10. Donna Kaufman spoke in support of grandfathering which eliminates fear of a lottery and the flexibility to allow for how many individuals the house can accommodate. Please don't require license plate numbers, and please have the tax taken directly to allow STRs to appear more competitive.
 11. Cookie Sandro said she has no hosted and hosted STRs and questioned what permit she would be required to get.
 12. Linda Natalie spoke to her success at SRTs and spoke in support of other speaker's comments.
 13. Felix Bachofner thinks that hosted should be a principally permitted use in the city and would amplify options for residents to have an economic use of their residence and also thinks that the regulations are too onerous for a hosted STR.
 14. Kathy Lewis spoke to her inability to afford the house if she did not host STRs and spoke to the personal ability to keep her home.
 15. Pablo Allioti spoke in support of getting permits for all houses. He spoke against the number of people cap as it allows families to stay together and in a hotel you can request an extra bed.

City Attorney Freeman addressed some of the issues presented and clarified that someone could rent their house for a 12 day period without a permit. .

Council Member Pacheco discussed not wanting to add additional exacerbation to parking as some neighborhoods already are challenged and the desire to keep simplicity with the regulations and he agreed that regulating the number of people may be overcomplicating the ordinance. He supported bringing the item back as two ordinances, zoning and finance. Council Member Jones expressed agreement with grandfathering as it will not impact the market more than it already is and she is not interested in regulating hosted STRs and she does 50% TOT to go to the affordable housing fund and 50% to parks. Council Member Campbell agreed that if the house can accommodate more than 2 per bedroom it should be allowed and suggested a surcharge for houses that don't provide off-street parking. He still recommended the cap for both hosted and non-hosted as he does not want it to be open ended. He still believes there is relationship of STR and affordable housing and wants a guarantee that 50% TOT would go to affordable housing. Mayor Pro Tem Alexander indicated that the number of people per room is a safety issue and we must follow health and safety codes as recommend by staff. Parking is more of a zoning issue. Mayor Rubio spoke in support of the Planning Commission recommendations and agreed that the finance ordinances can be very specific about funds dedicated to affordable housing. He agreed that parking is neighborhood specific as some areas are very dense and maybe that can be a consideration when the inspector goes out and determines capacity per sit and spoke in support of the process being site specific.

Council Member Pacheco made a motion to direct staff to revise the draft ordinance with no caps as for non-hosted, grandfathering in all that can provide evidence of historical rental for 12 months during a 60 day window, ask staff to make a recommendation regarding parking and capacity per house and that as second ordinance be drafted allocating revenue be split 50% to affordable housing and 50% to parks, with both ordinances being brought before Council at the same meeting. Motion was seconded by Mayor Rubio and passed unanimously

RESULT: **Approved**

AYES: Ralph Rubio, Dennis Alexander, Jason Campbell, Dave Pacheco, Kayla Jones

NOES: None

10. BUSINESS ITEMS

A. AMENDMENT TO THE CONTRACT WITH RAMI AND ASSOCIATES TO COMPLETE A GENERAL PLAN UPDATE AND REVISED ZONING ORDINANCE.

City Manager Malin indicated this is an important step in moving forward with the General plan, does not add additional costs and will allow the project to be done better and sooner. Mayor Rubio invited comments on the item and had no requests to speak.

On motion by Mayor Pro Tem Dennis Alexander and seconded by Council Member Jason Campbell and passed by the following vote the City Council adopted Resolution 18-34 authorizing an amendment to the contract with Raimi and associates for additional services for the general plan update and revising the zoning ordinance.

RESULT: **Approved**

AYES: Ralph Rubio, Dennis Alexander, Jason Campbell, Dave Pacheco, Kayla Jones

NOES: None

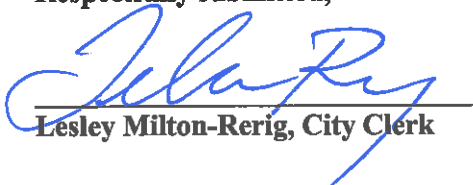
11. MAYOR, CITY COUNCIL, CITY MANAGER AND CITY ATTORNEY COMMENTS AND REPORTS ON COMMITTEE ASSIGNMENTS

No comments were made.

12. ADJOURNMENT

On motion, the meeting was adjourned at 11:28 PM.

Respectfully submitted,


Lesley Milton-Rerig, City Clerk


Ralph Rubio, Mayor