



CITY OF SEASIDE
CITY COUNCIL

FINAL MINUTES

REGULAR MEETING
COUNCIL CHAMBER
Thursday, October 18, 2018
7:00 PM

1. **CALL TO ORDER**

Mayor Rubio Called the meeting to order at 8:00 PM.

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

PRESENT: Alexander, Campbell, Jones, Pacheco, Rubio

ABSENT: None

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**

Pastor Herold Lusk led the invocation and Mayor Pro Tem Oglesby led the Pledge of Allegiance.

4. **REVIEW OF AGENDA**

Staff recommended Items D E and G be reschedule for another meeting.

Rubio requested permission to move business Item 9E to 9A

The City Council agreed unanimously.

5. **PUBLIC COMMENT**

Mayor Rubio invited comments from the public.

- Jennifer Kadosh the owner of Googie grill spoke to the impact of the new no parking regulations on Del Monte expressing frustration there was not more consideration to businesses that are directly affected by the lack of parking for extra customers.
- Mary Ann Cunningham also spoke to also being affected by the parking changes and believes this should have been addressed during the design phase.
- Harold Lusk offered a temporary solution that workers can park in the parking lot of the church until the city can find a solution.
- CSUMB Professor Dan Fernandez spoke to the Sustainable Cities Project CSUMB Students are working on that help the city interest and well-being.
- CUSMB Student Fadi invited the community to complete a survey regarding Fremont Blvd.
- CUSMB Student Joshua Penneck invited the community to complete a survey regarding a proposal for a Lineal Park at the top of General Jim Moore Blvd.
- Mel Mason stated that the Village Project does not take a position on the SRO issue, even though he does not support it personally. He then spoke to two community events sponsored by the Village Project in memory of the 1968 Mexico Olympics and invited the public to attend a screening of a documentary to celebrate the racial justice that showcased three Olympic athletes on October 19th. He also spoke to the mental health event, November 10th in honor and recognition of Native American Heritage Month .
- Debra Gramespacher spoke to the flyers being received for election Measure J, which has a mistake and spoke in support of Measure J.
- Gary Cursio Director of Government of affairs representing MCHA and Peninsula Businesses spoke briefly about measure J and encouraged people to vote No on Measure J.
- Silvia Shee recently there is a lot of political activities and is overwhelmed with the amount

of public information and asked if the City could try to help educate the citizens about the ballot measures.

- A resident spoke to the last City Council meeting where a Council Member referred to members of the community as "a small group of you minorities" and she took offense to it and asked the Council to clarify what was meant by that statement.
- Gertrude Smith that people are more civically engaged in this election cycle and hopes it will be a growing trend but expressed concern about the effect this election cycle is having on the residents that we are not exhibiting exemplary behaviors and we should not descend into the toxicity of the national conversation.
- George Riley spoke supporting Measure J and Public Water Now and in agreement with Gertrude Smith's comments. He also noted that customers served by MCWD and Seaside Muni water have the opportunity to vote on Measure J even though they do not have water service by Cal Am.
- Jay Fagan thanked the City of Seaside for supporting the Fourth Annual Veteran's stand down where nearly 400 veterans were served and because of the availability of volunteers and resources, they were able to open the gates and serve more homeless from the broader community. He also spoke to the fundraiser on November 11th at the VTC to support families.
- Marie Ann Pagan spoke to comments made by Council Member Jones she believed not to be true including comments about required trainings, accusations about harassment and loss of paperwork by staff, and saving city funds for lobbyist services and her knowledge of city policies as well as her knowledge of the City budget. She also expressed displeasure that Council Member Jones deletes unfavorable comments on her social media and blocks comments not to her liking citing it as a violation of first amendment rights.
- Miriam Smith shared her concerns with the upgrades for the Cutino park citing they are well overdue however she was not in support of funding with bonds with a 28 year pay back and it should have been put to a vote. She also disagrees with the skate park.
- Alvin Edwards spoke to his candidacy for Monterey Peninsula Water Management District Board Member.
- Susan Skiavoni encouraged the public to attend the public information meeting about Measure J on October 22nd. She also addressed the negative emotional energy in the Council chamber as emotionally dividing.
- Ian Oglesby spoke in agreement to the negative atmosphere as dividing and requested to correct the record that he left the City in debt \$500k, citing when he left it was a balanced budget plus reserves. He also requested for the record that all projects he approved has language in their agreements that the developer pays the fees from a fund that was front loaded therefore he was responsible for any debts incurred by the developer. Stop allowing people to denigrate, run over you or say things that are not true.
- Roelof Wijbrandus agreed that we need to move forward with civility and spoke to the many ways that the City makes themselves available for their citizens, including the City Manager's open door policy and City Council Member public forums.
- Gracie Rubio agreed to the civility issue and discouraged Council Members from calling members of the public or other Council Members names, as in the past. She questioned Council Member Jones adherence to the purchasing policy with numerous missing receipts and unexplained charges. There was no adherence to the policy and it was not enforced by the City Manager.
- Kay Cline understands an audit is happening and citizens who are interested could be on a committee to address these issues so they don't have to be done during the Council Meeting. She spoke in support of the progress of the City such as the Broadway improvements, bicycle improvements, and the farmer's market, the revealing of the campus town specific plan, the CSUMB Sustainable Service Learning Students and other things that transitioning Seaside into a vibrant college town. She spoke to the documentation that is required for filing campaign documents and to the required record keeping and she spoke against personal attacks as they don't reflect well on the people who are making them or on our

city.

- Lisa Anne Sawhney is concerned for Seaside that the many investigations and dramatic events in the news are distractions from the forward progress of Seaside. She spoke to the weekly article that shows inconsistency from Ms. Jones and Mr. Malin from following the policy sometimes but not others. She spoke to her FPPC experience and that a financially responsible candidate would keep a personal storage system and copies as required and spoke in support of the City Clerk's professionalism.
- Reverend Murray said it is one thing to make comments, but know that one day you too could be scrutinized. Transparency is key and he spoke to his personal experience where you cannot be reimbursed for expenditures unless receipts are provided.
- Jimmy Welch spoke to the tenants of Del Monte Manor with the help of Seaside Residents, the City and some grant writers they are proud to unveil the new playground for kids. He thanked the Council for their support and looked forward to the celebration the first week of November.
- Camille Groves was appalled and saddened by the negative comments about Council member Jones. Statements of fairness and balance she spoke to the hiring of police chief, adding the policy for allowing child care at city meetings, she cast her vote against the Monterey Downs development that stopped the hemorrhaging of the tax dollars. Please remember her actions and her vision has helped to move seaside forward.

City Attorney Freeman indicated that Monterey Downs does not owe any money to the City per the signed legal settlement agreement and the legal expenses were taken care of by Monterey Downs LLC. The Mayor and Council Member Jones responded to public comments made.

6. **PUBLIC AGENCY COMMUNICATIONS**

Economic Development Director Gloria Stearns spoke to Zombie Prom event on October 26th, an adult centric dance on Broadway Avenue. Come Dance your brains out.

7. **PRESENTATIONS**

A. PROCLAMATION RECOGNIZING OCTOBER 21-27, 2018 AS NATIONAL FRIENDS OF THE LIBRARY WEEK IN THE CITY OF SEASIDE

Mayor Pro Tem Alexander presented the Friends of the Seaside Library with a proclamation and thanked them for their service.

B. PROCLAMATION FOR FREEDOM FROM WORKPLACE BULLIES WEEK, OCTOBER 14-20, 2018

Mayor Pro Tem Alexander presented the proclamation for Freedom from Workplace Bullies week.

C. PRESENTATION OF AWARD FROM THE ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS TO THE CITY OF SEASIDE FOR ACHIEVING GOLD LEVEL ENERGY SAVINGS BEACON SPOTLIGHT AWARD

Amory From AMBAG presented the City with the gold level Beacon Spotlight award for reducing energy usage with facility improvements.

D. PRESENTATION OF THE OCTOBER 2018 HOUSE OF THE MONTH AWARD

Action: Continued

E. PRESENTATION ON THE CITY OF SEASIDE EFFORTS FOR EMERGENCY PREPAREDNESS

Action: Continued

F. PRESENTATION ON OPEN GOV FINANCIAL TRANSPARENCY TOOL

Representatives Meredith and Paul from OpenGov presented the reinvigorated OpenGov financial transparency platform that provides real-time access to the City of Seaside budget and historical transactional data. The software will help with public transparency and helping citizens understand the City budget in an easy to use way.

G. PRESENTATION ON THE CITY EFFORTS FOR DIGITAL PUBLIC MEETING ACCESS

Action: Continued

8. CONSENT CALENDAR

Items B, D and F were pulled by the public for discussion.

On motion by Council Member Campbell and seconded by Council Member Jones and passed by the following vote the Consent Calendar was approved with the exceptions of items B, D and F.

RESULT: **Approved**

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

NOES: None

A. APPROVE MINUTES OF SEPTEMBER 6, 2018, SEPTEMBER 20, 2018 AND OCTOBER 4, 2018

Action: Approved

B. APPROVE AND FILE CITY CHECKS

Item B was continued to the next meeting because the data was too difficult to find or interpret.

C. APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM GIRLS INCORPORATED OF THE CENTRAL COAST

Action: Approved

D. APPROVE A RESOLUTION AUTHORIZING THE PURCHASE OF A POLICE COMMUNITY OUTREACH VAN NOT TO EXCEED COST OF \$38,288.22

Mayor Rubio invited public comments on the item.

- Lisa Anne Sawhney questioned who would facilitate the program, but assured support for the item.
- Marie Ann Pagan questioned if the vehicle is replacing the motor home.

Police Chief Pridgen said it would be driven according to which event it would be scheduled for. It is a new vehicles and not replacing any vehicle in the fleet.

On motion by Mayor Pro Tem Dennis Alexander and seconded by Kayla Jones and passed by the following vote the City Council approved the item as presented.

RESULT: **Adopted**

AYES: None

NOES: None

E. APPROVE A RESOLUTION AUTHORIZING THE PURCHASE OF TWO DODGE DURANGO POLICE VEHICLES WITH AFTERMARKET EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$108,342.14

Action: Approved

F. AUTHORIZE THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE CITY OF MARINA FOR THE STORAGE OF RESERVE (BACK-UP) FIRE APPARATUS IN A CITY OF MARINA OWNED BUILDING.

Mayor Rubio invited comments from the public.

- Lisa Ann Sawhney requested clarification that this item was needed due to a space constraint issue to which Fire Chief Dempsey confirmed.

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 item as presented.

RESULT: **Approved**

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

NOES: None

G. APPROVE A RESOLUTION ADOPTING A MEMORANDUM OF UNDERSTANDING WITH THE SEASIDE MANAGERS AND SUPERVISORY EMPLOYEES' ASSOCIATION

Action: Authorized

9. BUSINESS ITEMS

A. AMENDMENT TO EXCLUSIVE NEGOTIATING AGREEMENT WITH MID-COAST HOLDING GROUP, LLC A LIMITED LIABILITY COMPANY

Economic Development Director Kurt Overmeyer spoke to the current Mid Coast Holdings Exclusive Negotiating Agreement that was entered into for the development of a luxury auto mall. He indicated that the developer suffered a serious personal injury setting the project back, but also due to the timeline for the adoption of the General Plan update, it would be more efficient and advantageous to wait to proceed on the project, which would require an extension of the ENA. Mr. Overmeyer answered questions from the Council.

Mayor Rubio invited comments from the public.

- Lisa Ann Sawhney if the City is getting any compensation during this delay as the land is tied to this developer and expressed concerned we are not engaging in strong negotiations. She is struggling with why we are continuing long term ENAs, with extensions, but should be encouraging properties to be developed more rapidly.
- Regina Mason expressed concern that citizens who don't come to the City Council Meetings are not informed of what is occurring and wants to see culturally congruent approaches to communicating with the public.

City Manager Malin spoke to the more successful probability we will have with developing the parcel if we delay this specific project at this time. Council Member Pacheco spoke to the increase in the types of community outreach methods the city has used to engage the public and assured the audience there are vehicles being used to get information out to the public.

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 extension of the ENA unanimously.

RESULT: **Approved**

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

NOES: None

The City Council unanimously approved extending the meeting to 11:15 PM.

B. APPROVE A RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO THE GRANITEROCK COMPANY FOR THE CUTINO PARK PHASE 1 IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$3,061,427

City Engineer Riedl spoke to all three business items regarding the Cutino Park construction process. He outlined the project history including a publicly inclusive design process through the final approval of the conceptual plan. He explained the park is currently undergoing ADA structures and pathways improvements funded by CDBG funds and approval of this item is to construct Phase 1 which includes the field and skate park which could be completed by September 2019, for construction management oversight and for an extension for the design services. On question, Mr. Riedl explained the construction management and inspection services are necessary to administer the construction contract and oversee the contractor's day to day operations, perform inspections and were selected due to outstanding reference checks, and the fact they have local staff. Verde Design would be design support to construction responsible to review submittals, shop drawings, RFI, provide clarifications on design and specs and assist with contract change orders and prepare as-built record drawings.

The Parks and Recreation Commissioners were recognized for their efforts through the process. Council Member Pacheco expressed community concerns that the City cannot facilitate the Seaside Raiders through the end of the season in November to which staff assured that we could and there will be no impact to the Raider's schedule as the project will be done by summer 2019. On question, Mr. Riedl indicated that if the field is not complete by that time, there are liquidated damages of \$5,000 per day.

Mayor Rubio invited comments from the public.

- Jon Wizard spoke in support of the process to try to come to a compromise to please everyone. He is so happy to see this item come to fruition as a project designed together, with the community and it should be celebrated.

- A youth resident expressed that this project would be better if the skate park was at different park which would allow room for a full basketball court instead of a half court.
- Lisa Ann Sawhney questioned the phase 2 process, if there are any included warranties, and hopes the City will focus on improvement of all parks in Seaside. She spoke to the presentation that \$1.3 million has been allocated to parks over the last 10 years and thinks that this much investment for one park was not wise and could have been better utilized. She encouraged caution not to bond too much but instead focus on economic development and increasing the tax base.
- Miriam Smith said that this complex has bi-passed the citizens and is moving way to fast and spoke against the amount of tax money being spent on this improvement.
- Ian Oglesby Spoke in support of the design, the inclusive community process and for the investment that this makes into the youth of our City.
- Dennis Volk spoke to the constant battle between different sports and spoke ins uport of park improvements.

Mayor Rubio stated for the record that football will be allowed to use the field. There is a lot of room for improvement at all city parks. He spoke to historic agreement with MPUSD. He thanked staff for bringing a contract forward with a local company. Council Member Pacheco spoke to the three year inclusive public process. He agreed that the park is not his ideal park idea either, but compromises happen to make the largest amount of people happy. He requested the ground breaking prior to November as the Mayor has been an integral part of the process. On question about the warranty, staff responded that there is a ten year warranty on the turf, but resurfacing will be drastically cheaper than the initial build.

On motion by Kayla Jones and seconded by Council Member Dave Pacheco and passed by the following vote the City Council approved the construction contract with Granite Construction for the construction of the Cutino Park Phase 1 improvements.

RESULT: **Approved**
 AYES: Ralph Rubio, Dennis Alexander, Jason Campbell, Dave Pacheco, Kayla Jones
 NOES: None

C. APPROVE A RESOLUTION AWARDING A PROFESSIONAL SERVICE AGREEMENT TO PROJECT DIMENSIONS INC. TO PERFORM CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE CUTINO PARK PHASE 1 IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$309,288.

On motion by Kayla Jones and seconded by Mayor Pro Tem Dennis Alexander and passed by the following vote the City Council approved a professional services agreement with Project Dimensions for Construction Management and Inspection services.

RESULT: **Approved**
 AYES: Ralph Rubio, Dennis Alexander, Jason Campbell, Dave Pacheco, Kayla Jones
 NOES: None

D. APPROVE A RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE PROFESSIONAL SERVICE AGREEMENT WITH VERDE DESIGN INC. CONTRACT TO PROVIDE DESIGN SERVICES DURING CONSTRUCTION FOR THE CUTINO PARK PHASE 1 IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED SEVENTY THOUSAND NINE HUNDRED TWENTY FIVE DOLLARS (\$70,925).

On motion by Kayla Jones and seconded by Mayor Pro Tem Dennis Alexander and passed by the following vote the City Council approved an amendment to the Verde Design contract as presented.

RESULT: **Approved**

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

NOES: None

E. APPROVE A CONTRACT FOR THE PURPOSE OF CONDUCTING A FORENSIC AUDIT AND TO FREEZE CITY COUNCIL EXPENDITURES

City Attorney Freeman asked the City Council to authorize him to proceed with the forensic audit, including amending the proposed agreement to expand the scope of services to include findings for to support the decisions well as recommendations for policy or procedure changes to assure the city is operating in a way to prevent issues in the future. In addition, this action requires all cash cards be returned to the City after this meeting and that no more expenses can be incurred by the City Council without approval in advance at a public meeting. He indicated that the audit will be completed in 30-45 days and will be released to the public. On question, Mr. Freeman affirmed the work on this report has already started, as approved by phase 1 of the contract. The phase one and phase two was just to get the process moving but it will result in one report.

Mayor Rubio invited comments from the public.

- Regina Mason clarified that for the record, Council Member Jones stated during her feedback that the City paid for a Village Project luncheon she attended, but they are free to attend.
- Marie Ann Pagan thanked the Council for having the City Attorney over see this process and that no further expenses will occur. She requested clarification about future family care/child care expenses if those would also be impacted.
- Harold Lusk questioned the accusations that the City Manager approved the expenditures and requested if he was able to say something about the situation, that he would to bring peace.
- Don Jordan questioned if this limit the ability to go to the Secretary of State or the District Attorney or if this is to be resolved at the city council level
- Gracie Rubio spoke in full support of this action saying that it is essential to bring resolution to this issue.
- Lisa Anne Sawhney agreed that it will bring truth and resolution. She requested clarification regarding the purchasing cards and questioned if any of the City Managers duties be limited while it is being completed, such as approving expenses or negotiations.
- A resident is thankful to the City Attorney for taking independent charge.
- Gertrude Smith spoke in support of the item and hopes it will be holistic and unbiased.
- Ian Oglesby spoke in support of staff's ability to conduct a professional investigation. He does not appreciate the cloud of the City or his head and encouraged it to be completed expeditiously. He questioned why it would take so long to complete.

Mr. Freeman responded that the forensic audit will take the amount of time because it will be in such detail that it can be used in the court of law. Additionally, it will take time to develop findings to go with it and recommendations to protect the City in the future.

Council Member Campbell spoke in support of an independent third party. Mr. Freeman confirmed that adding the additional scope of findings will not increase the cost, just modify the agreement. Council Member Pacheco urged it to be done expeditiously so it is completed prior to the new Council being seated.

On motion by Mayor Pro Tem Dennis Alexander and seconded by Kayla Jones and passed by the following vote the City Council authorized the City Attorney to proceed with facilitating the independent forensic audit and to return to the next City Council meeting with a revised contract, to freeze all City Council expenditure without full City Council approval and to return all purchasing cards held by City Council members immediately.

RESULT: **Approved**

AYES: **None**

NOES: **None**

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

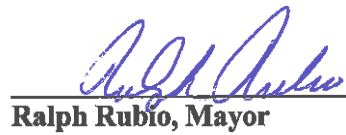
Having exceeded 11:15 PM, this item was continued.

11. ADJOURNMENT

The meeting adjourned at 11:19 PM.

Respectfully submitted,


Lesley Milton-Rerig, City Clerk


Ralph Rubio, Mayor