



CITY OF SEASIDE
CITY COUNCIL

FINAL MINUTES

REGULAR MEETING
COUNCIL CHAMBER
Thursday, November 15, 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, Pacheco, Rubio

ABSENT: Campbell, Jones

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**

4. **REVIEW OF AGENDA**

No changes requested.

5. **PUBLIC COMMENT**

Mayor Rubio invited comments from the public.

- Alvin Edwards spoke in support of the passing of Measure J and his successful campaign for water District and in support of George Riley's appointment. He committed to keeping the Seaside community informed.
- CSUMB Professor Dan Fernandez spoke in support of those that succeeded in the Election and spoke to the students who are participating in the Sustainable Cities program.
- Natalia Molina also spoke with gratitude for voting her to serve on the MPC Board of Trustees.
- Ruthie Watts congratulated all the elected officials who prevailed and congratulated Mayor Rubio for all the work he has done for the City of Seaside and thanked him for his service to the City. She also questioned why the fire department is not collecting items for the fire victims.
- Ann Marie Pagan spoke to the election results, for the New Mayor-Elect and Council Person-elect. She encouraged the Council to continue to take action with the investigation regardless of Council Member Jones resignation. She encouraged the City Manager would recommit to the citizens to restore faith in him.
- Peter Keiser spoke to filling the vacant council member positions and suggested criteria for the selection for the new Council Member is based on biblical characteristics.
- A resident thanked the Mayor for everything that he has done for the City. She also invited the community to attend the Seaside Raiders championship game at noon and encouraged supporting Seaside youth.

6. **PUBLIC AGENCY COMMUNICATIONS**

There were no public agency communications.

7. **PRESENTATIONS**

A. **EXPRESS APPRECIATION TO FOUR INDIVIDUALS FOR LIFE SAVING EFFORTS DURING SEASIDE RAIDERS FOOTBALL GAME**

Mayor Rubio and Council Member Pacheco presented recognition and gratitude for individuals who made selfless acts assisting a Seaside Raiders parent. They also recognized The Seaside Raiders for their championship status and thanked the Seaside Raider organization and the impacts they have made to create community with our youth.

8. **CONSENT CALENDAR**

Items C and H were pulled for discussion. Mayor Rubio invited comments from the public and had no requests to speak.

On motion by Mayor Pro Tem Dennis Alexander and seconded by Mayor Pro Tem Dave Pacheco and passed by the following vote the City Council approved the Consent Agenda with the exception of items C and H.

RESULT:	Approved
AYES:	Ralph Rubio, Dennis Alexander, Dave Pacheco
NOES:	None

A. **APPROVE MINUTES OF NOVEMBER 1, 2018**

Action: Approved

B. **APPROVE AND FILE CITY CHECKS**

Action: Approved and Filed

C. **APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM SEASIDE MIDDLE SCHOOL FOR COSTS ASSOCIATED WITH THEIR MUSEUM EXHIBIT PROJECT AND FIELD TRIP TO THE ROSICRUCIAN MUSEUM**

Seaside Middle School Teacher Chris Chopic spoke to the request to take students to the Museum to learn about ancient Egyptian culture and teach how to use vermi-culture to restore their soil, teach ancient and current ways to preserve the natural environment. Mayor Rubio invited comments from the public and had no requests to speak.

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 request as presented.

RESULT:	Approved
AYES:	Ralph Rubio, Dennis Alexander, Dave Pacheco
NOES:	None

D. **APPROVAL OF AN AGREEMENT WITH CGI COMMUNICATIONS FOR THE 2018 COMMUNITY VIDEO PROGRAM TO PRODUCE A TOTAL OF FOUR VIDEO CHAPTERS OF SUBJECT MATTER TO BE INCLUDED AS A LINK TO THE CITY'S WEBSITE.**

Action: Approved

- E. CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO FINALIZE THE ON BILL FINANCING LOAN DOCUMENTS THROUGH THE AMBAG ENERGY WATCH DIRECT INSTALL PROGRAM FOR THE FACILITIES LIGHTING UPGRADE PROJECT.

Action: Approved Resolution

- F. APPROVE A RESOLUTION AUTHORIZING THE PURCHASE OF TWO ADA COMPLIANT POOL LIFTS FOR THE PATTULLO SWIM CENTER

Action: Approved Resolution

- G. APPROVE A RESOLUTION AUTHORIZING THE PURCHASE OF AN F-150 FORD UTILITY PICKUP NOT TO EXCEED \$23,416.06

Action: Approved Resolution

- H. ADOPT RESOLUTION APPROVING THE ANNUAL PROGRAM COMPLIANCE REPORT IN SUPPORT OF PROJECTS FUNDED BY MEASURE X AND AUTHORIZING STAFF TO SUBMIT REPORT TO THE TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Council Member Pacheco requested to clarify the costs of the rehabilitation. Staff indicated that Yosemite Street from Mingo to La Salle is estimated at \$1.3 million and from Kimball from Fremont to Wheeler is approximately \$1 million dollars for rehabilitation. Mayor Rubio invited comments from the public and had no requests to speak.

On motion by Mayor Pro Tem Dave Pacheco and seconded by Mayor Pro Tem Dennis Alexander and passed by the following vote the City Council adopted a resolution approving the annual program compliance report for projects funded by Measure X.

RESULT:	Approved
AYES:	Alexander, Pacheco, Rubio
NOES:	None

- I. APPROVAL FOR COMMUNITY BASED ORGANIZATION'S MEMORANDUM OF UNDERSTANDING'S (MOU) - FISCAL YEAR 2018 – 2020 CALIFORNIA VIOLENCE INTERVENTION AND PREVENTION (CalVIP) GRANT

Action: Approved Memorandums of Understanding

- J. ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING TO JOIN THE INTEGRATED REGIONAL WATER MANAGEMENT GROUP FOR THE MONTEREY PENINSULA, CARMEL BAY AND SOUTH MONTEREY BAY REGION

Action: Approved Resolution

9. PUBLIC HEARING

A. CONSIDER AN APPEAL OF A DENIED TREE PERMIT APPLICATION FOR 1153 BUENA STREET

City Engineer Rick Riedl presented the appeal of a denied tree permit application. The applicant requested removal of the tree citing it was causing damage to the driveway and sidewalk. An arborist reviewed the tree, recommended retaining the tree and installing root barriers to prevent future damage as no damage was identified. Based on the arborist report, the permit was denied. The Council questioned Mr. Riedl regarding the application details. Mr. Riedl confirmed that no damage was observed from the sidewalk or the driveway but that there are roots observed on the surface area but not to a level that would warrant the removal.

Mr. Cook, the applicant responded detailing the damage that will be caused to his and the neighboring properties if mitigation is not done and that this is a proactive measure. He also indicated he has planted 11 trees on his property and will agree to a replacement of this tree with a breed that is appropriate for the space.

Mayor Rubio opened the public hearing.

- Applicant's neighbors Lory Ray and Peter Anderson spoke in support of the tree removal as they believe it may cause damage in a storm due to its size and they trusted the applicant would replace the tree.
- Lisa Ann Sawhney spoke in support of the applicant being proactive to prevent damage and supported his request.
- Kay Cline appreciated Seaside trying to protect and encourage trees, but also in favor of a resident protecting his property and supported the removal and replacement with a different species. Please allow him to remove the tree and hold him to replacing it.
- Mitt Sawhney spoke to the impacts of recent winter storms and with the size of the tree, he spoke in support of allowing the removal.

Mayor Rubio closed the public hearing. The Council deliberated and Council Member Pacheco appreciated the applicant being proactive in protecting property and the neighborhood and committing to replacement of the tree. Mayor Rubio spoke to our coastal nature that eliminates many trees from growing in this area and with proactive maintenance including trimming and topping the tree would not cause the damage that is feared. Mayor Pro Tem Alexander agreed that the tree can be managed to prevent future damage.

On motion by Mayor Rubio and seconded by Mayor Pro Tem Alexander and passed by the following vote the City Council denied the appeal and upheld the staff recommendation to maintain the tree.

RESULT:	Appeal Denied
AYES:	Rubio, Alexander
NOES:	Pacheco

10. BUSINESS ITEMS

A. COASTAL ADMINISTRATIVE PERMIT NO. CAP-18-01: THE MONTEREY PENINSULA AUDUBON SOCIETY, APPLICANT, IS REQUESTING AUTHORIZATION FROM THE CITY COUNCIL TO PROCESS A COASTAL ADMINISTRATIVE PERMIT ON CITY IWNED PROPERTY FOR THE PLACEMENT OF A TERN RAFT AT THE SOUTHERN END OF ROBERTS LAKE TO SERVE AS A FLOATING ECOLOGICAL BIRD HABITAT ISLAND. THE PROJECT SITE IS LOCATED IN THE COASTAL PARKS AND OPEN

SPACE (CPOS) ZONING DISTRICT OF THE CITY OF SEASIDE LOCAL COASTAL IMPLEMENTATION PLAN. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 4, SECTION 15301(A) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Economic Development Director Stearns spoke to the item at the past meeting reporting that an agreement has been reached as requested between the applicant and the boating enthusiasts. She detailed the newly proposed location of the nesting rafts behind the islands and confirmed that the permit is a nonexclusive use. She also reported that they agreed not to use zip ties and instead will be using a non-corrosive metal. Ms. Stearns answered questions from the Council. The Council acknowledged that the two groups did everything that was asked at the last meeting. The two groups acknowledge that they were satisfied of the agreement.

Mayor Rubio invited comments from the public.

- Black Matheson President of the Monterey Audubon Society spoke to the worldwide discussion of the Heerman gulls that have nested in Seaside. It is a unique opportunity of an endangered species to help elevate Seaside's ecological reputation.
- Anthony Lombardo spoke on behalf of the model boaters that it was a great compromise.
- Dan Fernandez questioned the impacts of sound on the bird's nesting.
- Byron Chin responded to the prior public comment that he is a birder and drone pilot and to his observations of the birds reacting to noise and thinks that we can develop proper guidelines to ensure that they won't be impacted.

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 permit as presented.

RESULT:	Approved
AYES:	Ralph Rubio, Dennis Alexander, Dave Pacheco
NOES:	None

B. APPROVE A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH WHITSON ENGINEERS FOR THE DESIGN OF ELLIS PARK FOR AN AMOUNT NOT TO EXCEED \$53,780.

City Engineer Riedl spoke to the proposed improvements to Ellis park, outlined the community direction that was provided to develop a master plan and design improvements for this park which include adding ADA parking, a new multiuse sport court and play structure, upgraded picnic/bbq area and water fountain. Mr. Riedl answered questions from the Council.

Mayor Rubio invited comments from the public on this time.

- Ian Oglesby suggested that the City consider design improvements that could be used at multiple parks to achieve economies of scale.

City Engineer Riedl said that it cannot happen due to design immunity issues. Council Member Pacheco spoke to the PRC priority plan for developing one master plan. Park improvements strengthen our community. The council discussed the design immunity concern and spoke to the possible development of an overarching plan that can be then individually applied.

On motion by Mayor Pro Tem Dennis Alexander and seconded by Mayor Pro Tem Dave Pacheco and passed by the following vote the City Council adopted a resolution authorizing the agreement with Whitson Engineers.

RESULT:	Approved
AYES:	Ralph Rubio, Dennis Alexander, Dave Pacheco
NOES:	None

C. CITY ACTIONS TO IMPLEMENT THE SEASIDE RESORT PROJECT

City Manager Malin provided a status of the project and that Monterey bay Resorts LLC was working diligently toward project goals when one of the principals passed away. Subsequent conversations with SRD and Monterey bay LLC has resulted in a request for a 6 month extension of a DDA with MBR moving the closing to May 25, 2019. If approved, the city interest would be demonstrated by the developer delivering a non-refundable deposit of \$1.5 million within 10 days to be distributed under the tax distribution policy. If MBR does not close on the property by May 2019 they are in default and all the taxing authorities get to retain the deposit and extension revenue.

Mayor Rubio invited comments from the public.

- Mitt Sawhney expressed frustration that previous deadlines have not come to fruition and questioned what assurance the city has that the ground breaking will happen and what plans does the city have if the developer defaults.
- Ian Oglesby requested clarification regarding the distribution to the taxing entities and questioned the penalty or city plan if the developer fails to deliver the funds within 10 days.

City Manager Malin spoke to the idea that rather than just continue extending agreements that a \$1.5 million commitment would incentivize the developer to move forward with the project. They will lose it if they do not close on May 15th. There is a secondary developer if Monterey Bay Resorts does not close.

On motion by Mayor Pro Tem Dennis Alexander and seconded by Mayor Pro Tem Dave Pacheco and passed by the following vote the City Council approved the staff recommendation as presented.

RESULT:	Approved
AYES:	Alexander, Pacheco, Rubio
NOES:	None

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

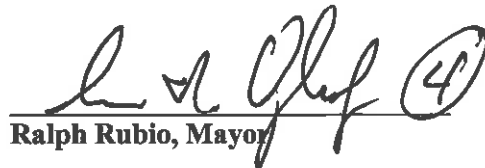
Council Member Pacheco requested a status report about finishing the portal project and reminded staff that he had requested a long term pavement management plan. City Attorney Freeman reminded the community about the Short Term Rental regulations and encouraged anyone who is operating one without a permit that enforcement will be commencing in the near future.

12. ADJOURNMENT

On motion, the meeting was adjourned at 8:59 PM.

Respectfully submitted,


Lesley Milton-Rerig, City Clerk


Ralph Rubio, Mayor