



A G E N D A

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

JOINT SPECIAL MEETING
Council Chamber
440 Harcourt Avenue
Thursday, September 5, 2019
5:30 PM

1. CALL TO ORDER

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

Ian N. Oglesby
David R. Pacheco
Jason Campbell
Jon Wizard
Alissa Kispersky

Mayor
Mayor Pro Tem
Council Member
Council Member
Council Member

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

Members of the public wishing to address the City Council on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to three minutes. Public Comments on specific agenda items are heard under that item. For the public record, please state your name.

5. CONSENT AGENDA

A. APPROVE MINUTES FROM AUGUST 15, 2019

RECOMMENDATION: That the minutes be approved as presented.

B. APPROVE AND FILE SUCCESSOR AGENCY CHECKS

RECOMMENDATION: Approve and file the accounts payable and wired payments made during the period of August 3, 2019 through August 23, 2019 including the payroll and benefits checks, direct deposits and wired payments related to the pay period of August 16, 2019. Total Accounts Payable and Payroll for the above referenced period is \$3,069.79.

6. BUSINESS ITEMS

A. ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO THE PURCHASE AND SALE AGREEMENT WITH WEST END PARTNERS, LLC FOR THE ASCENT PROJECT ON BROADWAY AVE AND TERRACE AVE

RECOMMENDATION: Adopt a resolution authorizing the City Manager to execute a first amendment to the Purchase and Sale Agreement with West End Partners amending Recital A to include Assessor's Parcel 012-199-022 and extending the due diligence period by four (4) months.

7. CLOSED SESSION

A. CLOSED SESSION PURSUANT TO GOVERNMENT CODE 54957.6 - CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: Craig Malin, City Manager; Roberta Greathouse, Human Resources Director / Risk Manager; Kimberly Drabner, Finance Director; Donna Williamson, Labor Negotiator

Employee Organizations: Seaside City Employees' Association and Seaside Police Officers' Association

B. PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE 54957

Position Title: City Attorney

C. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (c) - POTENTIAL LITIGATION

Conference with legal counsel regarding the potential initiation of litigation (one potential case).

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

The Property Commonly Referred to As Main Gate (Property bounded by Lightfighter, Divarty, Second Street and Highway 1)
Negotiator for the City: Craig Malin, City Manager, Under Negotiation:
Purchase and Sale Agreement Terms

8. ADJOURNMENT

Next Regularly Scheduled Meeting:
September 19, 2019
Seaside City Hall
5:30 PM

The City of Seaside is committed to providing accessible facilities and accommodating people with disabilities in all of its services programs and activities. If special considerations are needed by any person to fully participate in this meeting, contact the City Clerk at 899-6707 no fewer than two business days prior to the meeting to allow reasonable arrangements. The City Council chamber is equipped with a portable microphone and assisted listening devices are available at all meetings. City Council Meetings that are held in the City Council Chambers are broadcast live to all Seaside residents on Comcast Channel 25 and U-verse Channel 99. Live streamed meeting videos as well as videos of past meetings are available on the City's website at: <http://www.ci.seaside.ca.us/129/City-Council-Committee-Agendas>

Agenda-related writings or documents provided during public meetings are available for public inspection during the meeting or from the office of the City Clerk. This agenda is posted in compliance with California Government Code Section 54954.2(a) or Section 54956.



DRAFT MINUTES

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

JOINT SPECIAL MEETING
Council Chamber
440 Harcourt Avenue
Thursday, August 15, 2019
5:30 PM

1. CALL TO ORDER

Mayor/Chair/Authority Member Oglesby Called the meeting to order at 5:30 PM

2. ROLL CALL – ESTABLISHMENT OF QUORUM

PRESENT: Kispersky, Wizard, Campbell, Pacheco, Oglesby

3. PLEDGE OF ALLEGIANCE

Led by Kispersky

4. PUBLIC COMMENT

Public comment: None

5. CONSENT AGENDA

On motion by Council/ Member/ Authority Member Campbell and seconded by Wizard and passed by the following vote the Approved Consent Agenda items as presented.

RESULT: Approved 5-0

A. APPROVE MINUTES FROM JUNE 20, 2019, JULY 18, 2019 AND AUGUST 1, 2019

Action: Approved

B. APPROVE AND FILE SUCCESSOR AGENCY CHECKS

Action: Approved

6. CLOSED SESSION

The City Council adjourned to Closed Session at 5:34 PM.

A. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (c) - POTENTIAL LITIGATION

Conference with legal counsel regarding the potential initiation of litigation (two potential cases).

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

1. The Property Commonly Referred to As The Medical Officer Barracks (Property bounded by Lightfighter, and Giggling Road) Negotiator for the City: Craig Malin, City Manager, Under Negotiation:Purchase and Sale Agreement Terms

2. The Property Commonly Referred to As the Home Depot Parking Lot.

Negotiator for the City: Craig Malin, City Manager, Under Negotiation:Purchase and Sale

Agreement Terms

3. The Property Commonly Referred to As Main Gate (Property bounded by Lightfighter, Divarty, Second Street and Highway 1) Negotiator for the City: Craig Malin, City Manager, Under Negotiation: Purchase and Sale Agreement Terms

C. PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE 54957

Position Title: City Attorney

7. ADJOURNMENT

The meeting reconvened at 6:46 PM and there were no announcements for the public. On motion, the meeting was adjourned at 6:47 PM

Respectfully submitted,

Lesley Milton-Rerig, City Clerk

Ian N. Oglesby, Mayor



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 5.B.

TO: Successor Agency to the Redevelopment Agency of the City of Seaside

FROM: Craig Malin, City Manager

BY: Jessica Riley, Accounting Assistant
Kimberly Drabner, Finance Director

DATE: September 5, 2019

SUBJECT: APPROVE AND FILE SUCCESSOR AGENCY CHECKS

PURPOSE & RECOMMENDATION

Approve and file the accounts payable and wired payments made during the period of August 3, 2019 through August 23, 2019 including the payroll and benefits checks, direct deposits and wired payments related to the pay period of August 16, 2019. Total Accounts Payable and Payroll for the above referenced period is \$3,069.79.

BACKGROUND

In accordance with Government Code Section 37208, at each City Council meeting the Council is provided a listing of the payroll and general checks issued since the last report so that it can inspect and confirm these checks. Each purchase has been reviewed and approved by the department making the purchase at the time of procurement. The invoice has been reviewed by the Finance Department prior to payment to ensure that it conforms to the approved budget.

Therefore, in accordance with Government Code Section 37208, the above referenced, and linked list of checks conforms to the approved budget and has been paid. These checks are submitted to the City Council for inspection and confirmation.

A description of the checks and wires exceeding \$10,000 are as follows:

* There were no checks exceeding \$10,000.

The Checks report is available on the City's website here:

<http://www.ci.seaside.ca.us/194/Check-Draft-Register>

FISCAL IMPACT

There are no additional fiscal impacts.

ATTACHMENTS

None

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager



**CITY OF SEASIDE
STAFF REPORT**

Item No.: 6.A.

TO: Successor Agency to the Redevelopment Agency of the City of Seaside

FROM: Craig Malin, City Manager

BY: Kurt Overmeyer, Economic Development Manager

DATE: September 5, 2019

SUBJECT: ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO THE PURCHASE AND SALE AGREEMENT WITH WEST END PARTNERS, LLC FOR THE ASCENT PROJECT ON BROADWAY AVE AND TERRACE AVE

PURPOSE & RECOMMENDATION

Adopt a resolution authorizing the City Manager to execute a first amendment to the Purchase and Sale Agreement with West End Partners amending Recital A to include Assessor's Parcel 012-199-022 and extending the due diligence period by four (4) months.

BACKGROUND

In August of 2018, the Successor Agency and the City of Seaside entered into a Purchase and Sale Agreement with West End Partners, LLC, a California Limited Liability Corporation. Near the end of June 2019, the applicant submitted an application to entitle a 105 unit mixed use project that would include a mix of 99 multi-family units, retail (4,000 square feet), and 6 townhomes. The application is in process and staff expects the first hearing with BAR to take place on October 2nd. The current due diligence period ends on September 9th and as a result, the applicant has asked that the due diligence period be extend for four months to allow the City to complete its review of the application and to bring the entitlements package to BAR and the Zoning Administrator for approval.

Additionally, staff discovered that one of the subject parcels was inadvertently left out of the recitals in the original Purchase and Sale Agreement. This amendment would add that parcel to the recitals (APN: 012-199-022).

FISCAL IMPACT

Extending this Purchase and Sale Agreement will not have a fiscal impact on the City, however, the sale closing will result in \$1,000,000 being distributed among the taxing entities after accounting for the City's transactional expenses, and the construction of the project would result in a significant increase in property tax revenues.

ATTACHMENTS

1. Draft Resolution
 2. Broadway Terrace Amendment No 1 to PSA 20190807 SP_3
-

Reviewed for Submission to the
City Council by:



Craig Malin, City Manager

RESOLUTION NO. 19-XX

A RESOLUTION OF SUCCESSOR AGENCY OF THE SUCCESSOR AGENCY OF THE CITY OF SEASIDE REDEVELOPMENT AGENCY AND THE CITY OF SEASIDE

APPROVING FIRST AMENDMENT TO THE PURCHASE AND SALE AGREEMENT WITH WEST END PARTNERS, LLC REGARDING THE PROPERTIES COMMONLY KNOWN AS TERRACE AND BROADWAY

WHEREAS, On March 28, 2014 the Department of Finance of the State of California approved the Long Range Property Management Plan of the City of Seaside Successor Agency; and

WHEREAS, The City entered into a Purchase and Sale Agreement with West End Partners, LLC regarding the parcels commonly known as Broadway Avenue & Terrace Street, Assessor's Parcel Numbers 012-191-001, 002, 003, 004, 013, 016, 017, 021, 022, 023, 024, 025, 028 and 029 together with all improvements thereon; and

WHEREAS, Additional time is required to complete CEQA review for a proposed 105 unit mixed use development; and

WHEREAS, the original purchase and sale agreement did not include parcel 012-191-022 as was intended;

NOW, THEREFORE, the Successor Agency and City authorizes the City Manager or Designee to execute Amendment 1 to the Purchase and Sale Agreement including any non-substantive changes as required.

PASSED AND ADOPTED at a special joint meeting of the Successor Agency of the former Redevelopment Agency of the City of Seaside and the City of Seaside held on the 5th day of September, 2019 by the following vote:

AYES: ___ COUNCIL/AGENCY MEMBERS
NOES: ___ COUNCIL/AGENCY MEMBERS
ABSENT: ___ COUNCIL/AGENCY MEMBERS
ABSTAIN: ___ COUNCIL/AGENCY MEMBERS

Ian Olgesby, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk

**AMENDMENT NO. 1 TO
PURCHASE AND SALE AGREEMENT
AND JOINT ESCROW INSTRUCTIONS**

This AMENDMENT NO. 1 TO PURCHASE AND SALE AGREEMENT AND ESCROW INSTRUCTIONS (this “**First Amendment**”) is dated for reference purposes August 7, 2019, by and between Successor Agency to the Redevelopment Agency of the City of Seaside (“**Seller**”), and West End Partners, LLC, a California limited liability company, or its assigns (“**Buyer**”). The “**Effective Date**” of this First Amendment shall be the first date that both Parties have received a fully executed copy of this First Amendment.

RECITALS:

A. Buyer and Seller previously entered into that certain Purchase and Sale Agreement and Escrow Instructions dated August __, 2018 (the “**Purchase Agreement**”), pursuant to which Seller agreed to sell to Buyer and Buyer agreed to purchase from Seller, that certain real property owned by Seller and commonly known as Broadway Avenue & Terrace Street, Assessor’s Parcel Numbers (“**APN**”) 012-191-001, 002, 003, 004, 013, 016, 017, 021, 023, 024, 025, 028 and 029 together with all improvements thereon, with all easement rights and appurtenances thereto (the “**Property**”), located in the City of Seaside, County of Monterey, State of California.

B. Seller and Buyer now desire to amend the Purchase Agreement pursuant to the terms and conditions set forth below.

AGREEMENT:

NOW, THEREFORE, in consideration of the foregoing recitals, the promises and covenants of the Parties in this First Amendment, and other good and valuable consideration, the receipt and sufficiency of which the Parties acknowledge, the Parties agree as follows:

1. Recitals. The recitals above are true and correct and are incorporated herein by this reference.

2. Defined Terms. All initially capitalized terms used, but not defined herein, shall have the same meanings given to such terms in the Agreement.

3. Recital A. Recital A of the Agreement is hereby amended and replaced with the following:

“Seller is the owner of the land in the City of Seaside, County of Monterey, State of California, more particularly described on Exhibit A attached hereto and made a part hereof, commonly known as Broadway Avenue & Terrace Street, Assessor’s Parcel Numbers 012-191-001, 002, 003, 004, 013, 016, 017, 021, 022, 023, 024, 025, 028 and 029 together with all improvements thereon, with all easement rights and appurtenances thereto (collectively, the “**Property**”).”

4. Exhibit A. Exhibit A of the Agreement is hereby amended and replaced with Exhibit A attached hereto.

5. Extension of Due Diligence Period. Buyer may, by written notice and at Buyer's election prior to the expiration of the current Due Diligence Period, extend the Due Diligence Period by up to three (3) additional four (4) month periods. The second and third extensions may be executed only if the City or another government agency has not completed project approvals.

6. No Other Modifications. Except as modified herein and by this First Amendment, the Parties hereby confirm that all provisions of the Purchase Agreement shall and do remain in full force and effect.

7. Conflicts. In the event of any inconsistency between this First Amendment and the Purchase Agreement, the terms of this First Amendment shall govern and control.

8. Counterparts. This First Amendment may be executed in multiple counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.

9. Facsimile / .pdf Signatures. In order to expedite the transaction contemplated herein, facsimile or .pdf signatures may be used in place of original signatures on this First Amendment. The Parties intend to be bound by the signatures on the facsimile or .pdf document, are aware that the other party will rely on the facsimile or .pdf signatures, and hereby waive any defenses to the enforcement of the terms of this First Amendment based on the form of signature.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the date first written above.

BUYER:

**WEST END PARTNERS, LLC,
a California limited liability company**

By: _____
Christopher R. Orosco, Member

Date: _____

By: _____
Patrick W. Orosco, Member

Date: _____

SELLER:

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

By: _____

Print Name: _____
Executive Director

Date: _____

Attest:

Print Name: _____
City Clerk

Date: _____

Approved as to Form:

EXHIBIT A
LEGAL DESCRIPTION OF THE LAND

The land referred to is situated in the County of Monterey, City of Seaside, State of California, and is described as follows:

PARCEL ONE:

Lots 12 to 17 and 20 to 35 inclusive in Block 24, in the City of Seaside, County of Monterey, State of California, as shown on Map No. 6 Del Monte Heights, filed February 6, 1912, in the Office of the County Recorder of said County in Map Book 2, Page 33 of Maps and Cities and Towns.

EXCEPTING THEREFROM to the State of California all mineral deposits as defined in Section 6407 of the Public Resources Code below a depth of 500 feet, without surface rights of entry.

In witness whereof, the State has caused this Quitclaim Deed to be executed this 27th day of June, 1988.

ALSO EXCEPTING THEREFROM all that portion conveyed to the City of Seaside by Grant Deed recorded May 02, 2001 by Doc # 2001034296, Monterey County Official Records.

APN: 012-191-001, 002, 003, 004, 021, 022, 023, 024 and 029

PARCEL TWO:

Lots 18 and 19 in Block 24, as shown on Map of Del Monte Heights No. 6, in the City of Seaside, County of Monterey, State of California, filed February 6, 1912 in Volume 2, Page 33 of Maps of Cities and Towns, in the Office of the County Recorder of said County.

APN: 012-191-028-000

PARCEL THREE:

Lots Numbered 1 and 2 in Block Numbered 24, as said Lots and Block are shown on that certain Map entitled, "Map No. 6, Del Monte Heights, being a re-subdivision of a portion of Lots 2 and 3 of the Rancho Noche Buena, Monterey County, Calif., platted by H.D. Serverance, January 1912", filed for record February 6, 1912 in the Office of the County Recorder of the County of Monterey, State of California in Volume 2 of Maps, "Cities and Towns", at Page 33.

APN: 012-191-013-000

PARCEL FOUR:

Lots Numbered 3, 4, 5 and 6 in Block Numbered 24, as said Lots and Block are shown on that certain Map entitled, "Map No. 6, Del Monte Heights, being a re-subdivision of a portion of Lots 2 and 3 of the Rancho Noche Buena, Monterey County, Calif., platted by H.D. Serverance, January 1912" filed for record February 6, 1912 in the Office of the County Recorder of the County of Monterey, State of California in Volume 2 of Maps, "Cities and Towns", at Page 33.
APN: 012-191-025-000

PARCEL FIVE:

Lots 7, 8, 9, 10 and 11, in Block 24, as shown on the Map of Del Monte Heights No. 6 in the City of Seaside, County of Monterey, State of California, according to the Map filed in Volume 2, Page 33, of Maps of "Cities and Towns", in the Office of the County Recorder of said County.

APN's: 012-191-016-000
012-191-017-000