



FINAL MINUTES
CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
Council Chamber
Thursday, March 7, 2019
7:00 PM

1. CALL TO ORDER

Mayor Oglesby called the meeting to order at 7:00 PM.

2. ROLL CALL – ESTABLISHMENT OF QUORUM

PRESENT: Campbell, Kispersky, Oglesby, Pacheco, Wizard
ABSENT: None

3. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Edgar Oggario provided the invocation.

4. REVIEW OF AGENDA

No changes were requested.

A. CITY ATTORNEY AUDIT UPDATE

City Attorney Freeman reported that the District Attorney completed the review of the forensic audit which looked at expenditures of the City Council Members and they do not believe there were violations sufficient enough to charge with criminal actions. The City Council will officially receive the report at the next City Council meeting on March 21, 2019.

5. PUBLIC COMMENT

Mayor Oglesby invited comments from the public.

- Alvin Edwards thanked the community who showed up for the grand opening of the Barber Shop on Broadway Avenue by EJ Rowland and Orlando Johnson. He also thanked City staff for their efforts.
- Mitt Sawhney spoke to the forensic audit report and asked the Council how they will respond to the admittance for mis-management.
- Peter Keiser spoke to the Forty Days of Life vigil that starts tonight and he also invited the community to celebrate St. Patrick's Day and spoke to the history of St. Patrick.
- Kenneth Murray announced for the Community Preparedness Fair and Blood Drive held at 1024 Noche Buena hosted by the Faith Based Alliance.

6. PUBLIC AGENCY COMMUNICATIONS

- Alvin Edwards, Director of the Monterey Peninsula Water Management District reported that they hired three consultants, for the Cal Am feasibility study. He reported that the next regular meeting on March 18th will have a discussion of the Pure Water Monterey expansion.
- City Manager Malin invited the public to attend the next Seaside Chat with world renowned architects Studio Gang on Friday March 15th at noon to talk about the community's vision of design at the top of Broadway Avenue for a Seaside Civic Campus.

7. PRESENTATIONS

A. PROCLAMATION FOR INTERNATIONAL WOMEN'S DAY MARCH 8, 2019

Council Member Wizard and Mayor Oglesby presented Ester Griffen-Burg with the proclamation.

B. UPDATE ON HEAP GRANT APPLICATION(S)

City Manager Malin provided the update speaking to the purpose of the grant, the recent City Council direction and the application deadline of April 1st. He provided a recap of the Special City Council meeting as well as a meeting with community based organizations for possible partnerships and project ideas. He suggested ideas such as portable shower/restrooms, emergency shelters, services from CBOs, safe parking and a possible land lease that will assist with housing homeless students and increasing affordable housing.

The Council spoke in support of portable hygiene facilities, safe parking including looking at city owned or controlled land and not just churches, and to focus on homeless youth. Mr. Malin stated that given the timeline, he suspects staff will be requesting a special meeting on March 28th to review the proposed applications.

8. CONSENT AGENDA

On motion by Council Member Jason Campbell 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 D, F and G.

RESULT: *Approved*

AYES: *Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky*

NOES: *None*

A. APPROVAL OF MINUTES FROM FEBRUARY 21, 2019 REGULAR MEETING

Action: *Approved*

B. APPROVE AND FILE CITY CHECKS

Action: Approved

C. APPROVE A FEE WAIVER REQUEST FROM THE VILLAGE PROJECT INC FOR THE USE OF LAGUNA GRANDE HALL FOR THEIR MAE C. JOHNSON AFTER-SCHOOL ACADEMY CELEBRATION OF EXCELLENCE EVENT

Action: Approved

D. APPROVE A MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM SEASIDE HIGH SCHOOL BOYS AND GIRLS SWIM TEAM

Tamara with the Seaside High School swim team spoke to the intended uses of the grant funds and announced there will be a swim meet against Soledad this Friday. There were no public comments for this item.

On motion by Mayor Pro Tem Dave Pacheco and seconded by Council Member Jon Wiz. and passed by the following vote the City Council approved the request as presented.

RESULT: *Approved*

AYES: *Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky*

NOES: *None*

E. AUTHORIZE COUNCIL MEMBER WIZARD'S ATTENDANCE AT THE LEAGUE OF CALIFORNIA CITIES POLICY COMMITTEE MEETINGS

Action: Approved

F. APPROVE A RESOLUTION AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH HARRIS & ASSOCIATES FOR THE DESIGN OF ROADWAY IMPROVEMENTS TO INCLUDE TWO ADDITIONAL STREETS FOR AN AMOUNT NOT TO EXCEED \$71,416.

Council Member Pacheco pulled the item to bring community awareness to the progress of street improvements. There were no public comments on the item.

On motion by Mayor Pro Tem Dave Pacheco and seconded by Council Member Jason Campbell and passed by the following vote the City Council approved the item as presented.

RESULT: *Approved*

AYES: *Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky*

NOES: *None*

G. APPROVE A RESOLUTION AUTHORIZING FISCAL YEAR 2019-20 STREET REPAIR PROJECT LIST TO BE FUNDED IN PART WITH SB1 ROAD MAINTENANCE AND REHABILITATION ACCOUNT REVENUES AND

AUTHORIZING STAFF TO SUBMIT TO THE CALIFORNIA TRANSPORTATION COMMISSION

Council Member Kispersky requested to get an update on the expenditure of bond funds for the project. City Engineer Riedl reported on the four resurfaced streets, and the current progress for design for rehabilitation of additional streets. He outlined the planned improvements for the approved arterial and collector resurfacing project and spoke to the different levels of treatments. On question by Council Member Campbell Mr. Riedl said new circulation ideas are not included in this rebuild and needs to be studied more at this point.

Mayor Oglesby invited comments from the public.

- A resident of military avenue questioned how the rain of this season is impacting the rehabilitation planning.

Mr. Riedl acknowledged the rain has delayed the pot hole repair and deflection testing and has opened additional potholes.

On motion by Council Member Alissa Kispersky and seconded by Mayor Pro Tem Dave Pacheco and passed by the following vote the City Council approved Resolution 19-14 as presented.

RESULT:	<i>Approved</i>
AYES:	<i>Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky</i>
NOES:	<i>None</i>

9. BUSINESS ITEMS

A. PROVIDE DIRECTION ON SHORT-TERM RENTAL ENFORCEMENT

City Manager Malin started the discussion recapping the adoption of an ordinance which became effective August 2018 and the staff implementation process. He presented the status of all permit applicants which is significantly less than the total number operating and explained that staff recommends the Council authorized the initiation of enforcement and allow staff to negotiate payment plans for operators to pay taxes to come into compliance. The City Attorney clarified the Ordinance became effective 30 days after passage and the City's goal is to work with operators to get them into compliance. Anyone who is short term renting, legal or illegal, owes tax back to August 6, 2018. He explained there are many operators who are requesting the tax collection start date be modified to January 1, 2019. He also stated that staff is working with Airbnb to contract for the collection of TOT which will come before the Council at a future meeting. Mr. Freeman and Mr. Malin answered questions from the Council.

The Council questioned the inspection process, the eligibility to obtain a permit, the difference between hosted and non-hosted, the unexpected duration of implementation, challenges with the online portal, how existing hotels pay their TOT and the level of public involvement during the establishment of the ordinance.

Mayor Oglesby invited comments from the public.

- Susan Bradley, founder of Monterey County Vacation Rental Alliance spoke to the application process being confusing for ordinary citizens, citing issues with the implementation process but noted that the process has gotten better in the last few weeks. She explained that many operators book months in advance, and TOT has to be collected when booked, otherwise it is paid by the homeowner. Therefore she requested the Council to consider adjusting the date of TOT collection to January 1, 2019.
- Kate Mulligan said that she cannot financially afford to go back to August and also cited frustration with the process.
- Dennis Volk spoke representing many hosts acknowledging the glitches with the process and requested to modify the collection date to January 1 and questioned how to get a physical permit in hand.
- Felix Bachofner suggested to simplify the system by making short term rentals a principally permitted use for any home in Seaside and let the free market vet the system.
- Sam Rashkin suggested requiring all rentals to be inspected as it would make the whole City safer.

Council Member Pacheco believes the unexpected duration of implementation and communication issues created frustration from public. Council Member Wizard cited that one applicant was approved within 15 days so he does not think the process is too arduous. Mayor Oglesby spoke to the purpose to allow operators a way to operate legally. He said he was in support of changing the date. Council Member Campbell did not support delaying the collection of TOT, as it was clear to the applicants when it was due and supported allowing a payment plan. Just because the business is illegal does not absolve people of paying taxes. Council Member Wizard agreed citing that just because the process is burdensome, does not absolve you of compliance. The funds are intended for parks and housing and it is not fair to the rest of the Seaside residents.

Council Member Pacheco said he does not believe the City was operational and the residents deserve a friendly business environment.

Council Member Pacheco motioned to make January 1, 2019 as a start date for the collection of TOT taxes and those that have paid prior to that date will be reimbursed for their full amount of approx. \$27,000 and was seconded by Mayor Oglesby.

The Council discussed the motion on the second, debating what the market could hold, the challenges for those that have never operated a business and the need to improve processes prior to implementation.

Council Member Wizard offered as substitute motion for the staff recommendation with the addition of business license fees, seconded by Council Member Campbell.

Speaking on the question, Council Members Pacheco and Kispersky both agreed that the revenue is not worth the loss of trust of our citizens and our small business owners. Council Member Wizard disagreed stating the entire rationale for this was to gain money to inject into affordable housing or parks for the benefit of all citizens not just the 28 applicants that should have known to collect the taxes. Motion fails 3 to 2 with Kispersky/Pacheco/Oglesby voting No Mayor Oglesby called for the question on the original motion.

On motion by Mayor Pro Tem Dave Pacheco and seconded by Mayor Ian Oglesby and passed by the following vote the City Council approved the staff recommendation to make January 1, 2019 as a start date for the collection of TOT taxes and permit holders that have paid prior to January 1, 2019 will be reimbursed for their full amount of approximately \$27,000 and the City Attorney is directed to initiate compliance.

RESULT: **Approved**
AYES: Ian Oglesby, Dave Pacheco, Alissa Kispersky
NOES: Jason Campbell, Jon Wizard

B RECEIVE A PRESENTATION ON POTENTIAL JULY 4TH FIREWORKS SHOW AND PROVIDE DIRECTION

Recreation Superintendent Dan Meewis presented the planning details of the 2019 4th of July celebration. He recapped the 2018 event at Bayonet Black Horse golf course including lessons learned and indicated staff is trying to address parking improvements, traffic control, more restrooms, more vendors, and the length of the event. He also spoke to challenges for 2019, including security staffing. Mr. Meewis proposed a possible alternate location of City Hall and Laguna Grande Park which would make for a more community oriented event, not for the whole peninsula. He requested direction from the Council regarding location, security, event length and charging for parking.

The Council asked questions from staff regarding the ability to have fireworks and the regulatory agencies that may need to be contacted, security staffing, asking for other cities to contribute to the fireworks, the traffic control and detours that would be needed and the resolution of the citations in 2018. The Council requested that we continue with the public outreach to deter fireworks, regardless of the event details.

Mayor Oglesby invited comments from the public.

- Felix Bachofner spoke in support of having the event at City Hall and that it would alleviate traffic as most residents could see it from their homes.

The Council preferred the original venue but supported having the event at City Hall only if fireworks would still be allowed, if traffic flow and security would be better and if it would reduce the cost of the event. If at the golf course, charge for parking, but either way, consider shuttles from different locations in the city. They liked the length of the event, so families with kids could enjoy the day, even if they did not stay for fireworks. They requested consideration that if there are savings for hosting at City Hall, the City could provide free food. They agreed to try to make it a more manageable event for staff.

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

Council Member Campbell requested to discuss what strategies, as an entity we can use to secure our water future, and FORA implications on the agenda. He also requested to add to the next agenda consideration of a resolution supporting for the Energy Innovation and

Carbon Dividend Act 1763. Mayor Oglesby requested to add to the agenda a Brown Act Avoidance protocol speaking to concerns about perceived the Brown Act violations.

11. ADJOURNMENT

The meeting was adjourned at 10:34

Respectfully submitted,



Lesley Milton-Rerig, City Clerk



Ian N. Oglesby, Mayor