FINAL MINUTES
CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
Council Chamber
Thursday, March 21, 2019
7:00 PM

1. **CALL TO ORDER**
Mayor Oglesby called the meeting to order at 7:05 PM.

2. **ROLL CALL – ESTABLISHMENT OF QUORUM**
PRESENT: Campbell, Kispersky, Oglesby, Pacheco, Wizard
ABSENT: None

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**
Pastor Britt provided the invocation.

4. **REVIEW OF AGENDA**
Mayor Oglesby requested the meeting be closed in honor of Reverend Dr. Herbert Hoover Lusk Sr., Pastor of the Bethel Missionary Baptist Church.

5. **PUBLIC COMMENT**
Mayor Oglesby invited comments from the public.

- Wanda Sue Parrott asked about the scheduled special meeting for the City Council to discuss the grant application for HEAP funding and was specifically interested in knowing if proposal included a shelter for women and children on Broadway Ave.
- Lisa Anne Sawhney expressed concerns that during the strategic planning session the Council prioritized spending down the city reserves for affordable housing. She discouraged using reserves but instead requested the city seek grants, and other state match resources for this growth.
- Rev. Kenneth Murray requested the Council consider a request for the Lusk family to use the Oldemeyer Center at no cost on Saturday for Pastor Lusk memorial reception.

Mayor Oglesby corrected Ms. Sawhney that the direction was not to spend down the general fund reserves, but spend the affordable housing fund reserve. He also spoke to Mr. Murray's request for a fee waiver for the repass of Dr. Lusk, explaining to the council that because of the passing occurring after the agenda posting deadline, he requested direction that the Council consider a refund request be agendized for the next meeting to which there was consensus.

6. **PUBLIC AGENCY COMMUNICATIONS**

William Merry, former General Manager for the Monterey Regional Waste Management District spoke to the need for re-education for recycling. Jurisdictions need to re-educate residents and businesses not to put trash in the recycling so they can sell a product for market value and to start to divert more organics. Council Member Campbell agreed and spoke to the "What goes where?" app that can be downloaded or found online to answer questions about what can or cannot be recycled.

7. PRESENTATIONS

A. PROCLAMATION HONORING THE LATE REVEREND DR. HERBERT HOOVER LUSK SR.

Mayor Oglesby presented Pastor Harold Lusk Jr. with a proclamation and key to the City honoring his father Reverend Dr. Herbert Hoover Lusk Sr.

8 CONSENT AGENDA

Mayor Oglesby invited comments from the public and the Council on the Consent Agenda. Item G was pulled for discussion.

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 consent agenda with the exception of Item G.

RESULT:	***Approved***
AYES:	*Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky*
NOES:	*None*

A. APPROVE MINUTES FROM FEBRUARY 27, 2019, MARCH 7, 2019 AND MARCH 14, 2019

Action: Approved

B. APPROVE AND FILE CITY CHECKS

Action: Approved and filed

C. APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM MONTEREY CONDORS CLUB

Action: Approved

D. APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM SEASIDE HIGH SCHOOL BLACK STUDENT ALLIANCE FOR COST ASSOCIATED WITH THEIR TRIP TO SOUTHERN CALIFORNIA

Action: Approved

E. APPROVE MAYOR'S YOUTH FUND CONTRIBUTION REQUEST FROM LADIES FIRST FOR COST ASSOCIATED WITH THEIR YOUTH ACTIVITIES, WORKSHOPS, CULTURAL AND EDUCATIONAL OPPORTUNITIES

Action: Approved

F. **CONSIDER CO-SPONSORSHIP AND A FEE WAIVER FROM COMMUNITY HUMAN SERVICES FOR THE USE OF THE LAGUNA GRANDE HALL FOR THEIR NARCAN DISTRIBUTION EVENT**

Action: Approved

G. **APPROVE A RESOLUTION AUTHORIZING THE CLOSURE OF DEL MONTE AVENUE TO THROUGH TRAFFIC FROM TIOGA AVENUE TO LITHIA DETAIL FOR THE PORSCHE MONTEREY CLASSIC PARTNER EVENT ON AUGUST 12, 2019**

Council Member Wizard pulled the item to question if this has been before for this stretch of roadway, expressing concern it is a well trafficked lane of travel and clarified the hours of operation. Staff confirmed that this would be the first time and that no traffic control plan was submitted. A representative of Porsche spoke to the item explaining that this event kicks off car week. They held the even last year and the attendance exceeded the capacity at almost 600 people. The intent is to expand the event and create a safer environment by closing a porting on Del Monte. The event takes place 6 pm to 8:30 pm, and on question by the Council he said that the closure time could be revised to be closed from 3 pm until 9 pm. This a Monday evening, not a weekend.

Council Member Kispersky spoke in support of Seaside being involved in Car week. Mayor Oglesby expressed concern about closing such a thoroughfare, and impacting people. Council Member Pacheco spoke to the closure of roads for events including the entirety of Broadway Avenue and the events create community and help local businesses. The Council discussed the need for a traffic control plan.

Mayor Oglesby invited comments from the public and had no requests to speak.

On motion by Mayor Pro Tem Dave Pacheco and seconded by Council Member Alissa Kispersk and passed by the following vote the City Council approve the staff recommendation from 4 p 9 pm contingent upon staff receiving a traffic control plan and presenting it to the City Counci approval.

RESULT:	***Approved***
AYES:	*Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispe*
NOES:	*None*

H. **APPROVAL OF COMMUNITY DEVELOPMENT ADVISORY COMMITTEE RECOMMENDATIONS FOR THE USE OF 2019-2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND PROVIDE DIRECTION FOR STAFF TO INCLUDE IN THE 2019-2020 ANNUAL ACTION PLAN REQUIRED TO BE SUBMITTED TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).**

Action: Approved

I. **ADOPT A RESOLUTION OF SUPPORT FOR HR 763: THE ENVIRONMENTAL**

INNOVATION AND CARBON DIVIDEND ACT, AS RECOMMENDED BY THE SEASIDE ENVIRONMENTAL COMMITTEE

Action: Approved Resolution 19-15

J. **AUTHORIZATION TO DISPOSE OF SURPLUS CITY VEHICLES AND EQUIPMENT**

Action: Authorized

K. **AUTHORIZE CITY COUNCIL MEMBERS TO ATTEND THE 49TH ANNUAL PEACE OFFICER OF THE YEAR AWARDS DINNER FRIDAY, MARCH 22, 2019**

Action: Authorized

9. BUSINESS ITEMS

A. **APPROVE A RESOLUTION MODIFYING THE POSITION ALLOCATION LIST TO ADD ONE ASSISTANT CITY ATTORNEY AND AUTHORIZE THE FINANCE DIRECTOR TO MAKE THE NECESSARY BUDGET ADJUSTMENTS**

City Attorney Freeman explained his retirement is approaching and the workload is increasing significantly due to the enforcement of short term rentals and more assistance is needed. He proposed to create an Assistant City Attorney Position that would be an at-will employee and would report directly to the City Attorney. The total cost for the remainder of the fiscal year is $50,000. The Council discussed the process to appoint the individual to which Mr. Freeman responded that the City Council would not get to make the selection as they would be a staff level position.

On motion by Council Member Alissa Kispersky and seconded by Council Member Jon Wizard a passed by the following vote the City Council approved the item as presented and adopted Resolution 19-16.

RESULT:	***Approved***
AYES:	*Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispe*
NOES:	*None*

B. **RECEIVE, DISCUSS AND PROVIDE DIRECTION ON THE FINANCIAL AUDIT OF COUNCIL MEMBER EXPENSES**

City Attorney Freeman spoke to the completion of the city audit report and the review conducted by the District Attorney. He stated that because the necessary criminal burden of proof beyond a reasonable doubt, the District Attorney will not be prosecuting any criminal actions. However, he indicated the report revealed several things that the City can take action on and he recommended three actions; that the Council officially receive the report, that they direct staff to consider the recommendations made within the audit and direct staff to bring back to a future council meeting for adoption, and to direct the City Attorney to pursue collection of any unauthorized expenditures. On question, he cited that civil court has a different standard from the District Attorney's position. He also suggested that recommendations 13-16 be addressed at a later date as they would require a significant amount of work. Mr. Freeman answered questions from the Council.

The council agreed that the family care policy will also be discussed at a future meeting and that the Council duty is to correct processes to make sure they are not able to happen in the future.

Mayor Oglesby invited comments from the public.

- Pastor Britt asked what are the chances of getting anything back and what will the costs be to pursue it.
- Wanda Sue Parrot asked where to find the report on the City website.
- Lisa Anne Sawhney expressed that she thinks city management did not implement or follow policy or procedures that would have protected the city, as outlined in his contract. She requests the city council to address the city manager performance review and also asked to seek full restitution. She also expressed concern that there may be other misdealing in other parts of the city as the audit stated lack of internal policy, lack of financial controls, and lack of financial understanding by the City Manager.
- Helen Rucker thinks that the city did not have the correct procedures in place, however she also spoke to the requirement that an elected official must understand the responsibility to follow the rules and do what is in the best interest of Seaside. She spoke in support of putting good polices in place, so that there will be no possibility of recurrence.
- Gracie Rubio expressed total distain for the situation after reading the full audit report. She believed the council policy was sound, and was effective when followed. She expressed that the City Manager has responsibility is to protect the tax payers interest and he did not do that. She requested the council seek restitution for unauthorized expenses, the cost to conduct the audit and the cost to conduct the shameful and unfounded sexual harassment allegation.
- Mitt Sawhney said there was a lapse of fiduciary responsibility on behalf of the City Manager. He believed there may be been collusion as the travel allowance for Ms. Jones was increased without telling the Council. He spoke to many items listed in the report and he agreed with Ms. Rubio's stated regarding total cost recovery.
- Kenneth Murray concurred with public comments made that procedure was not followed, and all blame is not on Ms. Jones. Babysitting was offered at City Hall so she should not have been allowed to pay for an outside babysitter. He supported policy changes to
- Diana Ingersoll spoke as a previous staff for over 30 years citing the policies and procedures in place were effective, the finance department has always been meticulous about expense receipt tracking, and everyone with a purchasing card is required to sign a document agreeing to follow to the rules. She is baffled about how there was breakdown and requested that the Council consider where the breakdown occurred and take action.
- Dennis Alexander, spoke as a former Council member and requested clarification if this has being ongoing for years, or for a finite period of time with a specific individual. The City Council has two employees, and even if staff looks at the Council as their boss they are not, and it is OK to say no to a Council Member.

City Attorney Freeman answered questions from public comment and reiterated the Council must attempt to collect the debts because it could be construed as a gift of public funds and the Council could be individually liable, so they have to pursue action. There has to be some a good faith attempt to collect the funds that are owed to the City. He insisted that it was not and on-going issue until recently, aside advertent things where people over expended as an oversight. It was brought to attention through a public records act request. There was not a misuse of public funds or abuse of public funds patterns in the past. City Manager Malin was not asked any questions directly so he did not have any to answer.

The Council asked clarifying questions of Mr. Freeman pertaining to the recommendations, when it will come back, the staff-City Council relationship and the family care policy. They expressed sentiments regarding restoring public trust and that they were supportive of staff and Council trainings. Council Member Campbell requested that when the recommendations come back that the council member spending be reinstated. Mayor Oglesby requested consideration of hiring a city treasurer which is allowed by Ordinance. He also requested to agendize a discussion that the Council cannot ask the City Manager or Department heads to attend Council Member meetings.

The Council agreed that fraud waste and abuse is something that is unacceptable and acknowledged the role the Council plays with needing to safeguard and spend the money in the best way fit for the community and not for themselves.

On motion by Council Member Jon Wizard and seconded by Mayor Pro Tem Dave Pacheco and passed by the following vote the City Council received the report, directed staff to implement the policy changes stated within the policy report, consider Mayor Oglesby's request to hire a treasurer, lift the Council Member spending and directed the City Attorney to pursue the collection of unauthorized expenditures listed in the report.

RESULT:	***Approved***
AYES:	*Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky*
NOES:	*None*

C. APPROVE DESIGN FOR A PHOTOVOLTAIC PARKING CANOPY PROJECT AT CITY HALL, APPROPRIATE $246,000 FROM CAPITAL RESERVE FUND AND APPROVE FISCAL YEAR 2018/2019 BUDGET AMENDMENT IN THE AMOUNT OF $723,000 FOR CONSTRUCTION OF THE PROJECT

Assistant Engineer Ottmar provided a project summary of the feasibility analysis conducted in 2018 based on previous City Council direction to design for solar parking canopies to generate 60% of City Hall energy toward meeting the State's zero net energy plan. This would also relocate existing city electric vehicle charging stations to provide additional ADA parking and additional charging stations. He provided a rendering of the canopies and how they would match architecturally and described the proposed site layout. This item is to accept the 90% design plan.

On question by Council Member Wizard of the potential for adding additional canopies, he said the Council direction was to achieve 60% energy for cost purposes, but others could be added in the future. Mr. Ottmar also explained the location of the canopies at the far end of the parking lot were to preserve the building accessibility and look as a structured feature. The council questioned the budget and encouraged additions when affordable. In speaking to the time schedule, Mr. Ottmar explained the next steps and projected the project could be under construction in July with a finished project by October.

Mayor Oglesby invited comments from the public and had no requests to speak.

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 Resolution 19-17 approving the design of a Photovoltaic parking canopy and making appropriate budget adjustments.

RESULT:	***Approved***
AYES:	*Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard, Alissa Kispersky*
NOES:	*None*

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

City Manager reported there will be a City Council special meeting March 28, 2019 at 7 PM to review the HEAP grant application and discussing the FORA board vote. Council Member Wizard requested to agendize resolutions supporting the green new deal and endorsing assembly bill 392. Mayor Oglesby agreed to have it on the next agenda.

11. ADJOURNMENT

Meeting was closed in Honor Of Reverend Dr. Herbert Hoover Lusk Sr. at 9:40 PM.

Respectfully submitted,

Lesley Milton-Rerig, City Clerk

Ian N. Oglesby, Mayor