FINAL MINUTES
CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
Council Chamber
Thursday, July 18, 2019
7:00 PM

1. **CALL TO ORDER**
Mayor Oglesby called the meeting to order.

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

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**

4. **REVIEW OF AGENDA**
8D was pulled from consideration by the Applicant. City Attorney Freeman requested Item 10C be continued to a future meeting.

5. **PUBLIC COMMENT**
Public Comments:
A recently retired teacher, Michel Pekin, Judy Proud and Amy Treadwell the directors with the Monterey International Blues Festival, Ruthie Watts, Cathy Waya, Lisa Anne Sawney, Mitt Sawhney, Helen Rucker, Harold Lusk

6. **PUBLIC AGENCY COMMUNICATIONS**
Jim Vossen, Alvin Edwards and George Riley from the Monterey Peninsula Water Management District provided comments.

7. **PRESENTATIONS**

A. **RECOGNIZING DAVID GRAY AND JEFF LONG FOR THEIR PROMPT ACTIONS AND SELFLESS SERVICE PERFORMED DURING A RESIDENTIAL STRUCTURE FIRE ON MAY 3, 2019.**
Action: Presented certificates of appreciation

B. **PRESENTATION RECOGNIZING JENNIFER MILLER AS THE POLICE DEPARTMENT'S SELECTION FOR CIVILIAN VOLUNTEER OF THE YEAR**
Action: Presented Certificates of Appreciation

C. **PRESENTATION OF THE JUNE AND JULY 2019 HOUSE OF THE MONTH**

Action: Presented

D. **PRESENTATION OF THE BUSINESS OF THE SECOND QUARTER 2019**
Action: Presented

8. **CONSENT AGENDA**

Item D was continued and Items A, C, F and G was pulled for discussion.
Council Member Wizard requested that there is consistency for all organizations requesting fee waivers in terms of insurance requirements.

On motion by Council Member Jason Campbell and seconded by Mayor Pro Tem Dave Pac and passed by the following vote the City Council approved the Consent Agenda items B &
RESULT: ***Approved 5-0***

A. **APPROVE AND FILE CITY CHECKS**
Public Comment: Lisa Anne Sawhney

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 item as presen
RESULT: ***Approved 5-0***

B. **PROCLAMATION DESIGNATING JULY 2019 AS PARKS AND RECREATION MONTH**
Action: Approved

C. **APPROVE COALITION OF SCHOLARSHIP ORGANIZATION'S REQUEST FOR THE CITY TO CO-SPONSOR AND WAIVE FEES FOR USE OF THE LAGUNA GRANDE HALL AT OLDEMEYER FOR A FORUM ON SCHOLARSHIP OPPORTUNITIES FOR LOCAL HIGH SCHOOL SENIORS**
Action: Approved

D. **APPROVE A FEE WAIVER FROM MONTEREY BAY BAPTIST DISTRICT ASSOCIATION FOR THE USE OF THE LAGUNA GRANDE HALL AND KITCHEN FOR THEIR SCHOLARSHIP LUNCHEON**
Action: Continued

E. **APPROVE A RESOLUTION AUTHORIZING THE SURPLUS OF A 1995 PARAMOUNT 3-D TYPE I FIRE ENGINE AND DONATION OF ENGINE TO THE SOUTH YREKA FIRE PROTECTION DISTRICT.**
Action: Approved

F. **APPROVE A RESOLUTION CALLING FOR FULL AND FAIR FUNDING OF**

CALIFORNIA'S PUBLIC SCHOOLS

Wizard requested to note in the resolution recital that we are the fifth largest economy in the world.
Public Comment: Mitt Sawhney, Helen Rucker

On motion by Council Member Jon Wizard and seconded by Council Member Jason Cam and passed by the following vote the City Council approved the resolution amending th resolution to the 5th largest economy.
RESULT: ***Amended 5-0***

G. APPROVE A RESOLUTION AUTHORIZING THE CLOSURE OF HARCOURT AVE FOR THE 2019 NATIONAL NIGHT OUT ON AUGUST 6, 2019 FROM 4:00PM TO 8:00PM.

Public Comment: Lisa Anne Sawhney

On motion by Council Member Jason Campbell and seconded by Mayor Pro Tem Dave I and passed by the following vote the City Council approved the item as presented.
RESULT: ***Approved 5-0***

9. BUSINESS ITEMS

A. APPROVAL OF A CONTRACT WITH DISASTER KLEENUP SPECIALISTS FOR ON-CALL PROPERTY CLEAN-UP SERVICES FOR AN AMOUNT NOT TO EXCEED $100,000

City Engineer Riedl spoke to the intent and details of the RFP that was negotiated for cleanup service of personal items on public property. He explained the new procedures that individuals can report concerns via phone, email or by mobile app.

Public Comment: Diane Nielson, Bob Constant, Dave Evans, John Owens, Lisa Anne Sawhney

On question Mr. Riedl spoke to the staffing assistance that this will provide as currently staff is being diverted from the public works department and they now can be reallocated to street maintenance. He explained the legal requirements for collecting and disposing of personal property.

On motion by Mayor Pro Tem Dave Pacheco and seconded by Council Member Jon Wiz passed by the following vote the City Council to approve the contract with Disaster Clea Specialists as recommended.
RESULT: ***Approved 5-0***

10. PUBLIC HEARING

A. ADOPT AN ORDINANCE AMENDING SEASIDE MUNICIPAL CODE CHAPTER 9

ADDING CHAPTER 9.21 STORAGE OF PERSONAL PROPERTY ON CITY PROPERTY (SECOND READING - ROLL CALL VOTE)

City Attorney Freeman noted this is a second reading that was fully vetted at the previous meeting. He reiterated the noticing requirements that will take place and that this policy is consistent with State law and is it enforceable. On question, he noted that anything that is on private property, and is considered a health and safety issue can be remedied immediately. Mayor Oglesby invited public comment on the item: Diane Nielsen, Steven Cry

On motion by Council Member Jon Wizard and seconded by Mayor Pro Tem Dave Pacheco and passed by the following vote the City Council adopted Ordinance 1059 amending SMC Chapter 9 adding Chapter 9.21 Storage of Personal Property on City Property by roll call vote.

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

B. APPLICANT APPEAL OF PLANNING COMMISSION DENIAL FOR COASTAL DEVELOPMENT PERMIT NO. CDP-19-02 AND USE PERMIT APPLICATION NO. UP-19-07. E&E CAPLOW LIVING TRUST, PROPERTY OWNER, AND HALA IBRAMIM (PM DESIGN GROUP), AND SILVIA WYTKIND (MCDONALD'S), APPLICANTS, FOR THE REESTABLISHMENT OF A DRIVE-THROUGH RESTAURANT AT 1516 CANYON DEL REY BOULEVARD. THE PROJECT IS CATEGORICALLY EXEMPT CLASS 2, SECTION 15302 (B) FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Community Development Director Stearns spoke to the destruction of the McDonalds in 2018 by fire and she spoke to the process the City and the applicant has been working through to build the next one. She explained the four meetings the item was heard by the Planning commission between April and June, who ultimately denied the project due to safety concerns about the drive-through. She explained the site constraints that resulted in over 30 site designs due to the size, orientation, adjoining uses and access to the site parcel. Ms. Stearns detailed the circulation options and explained the main unresolved concern is the exit of the drive through crosses the main path of travel for the entry way. Planning staff feels it is consistent with the zoning and municipal code, and is consistent with a Coastal Development Permit and a Use Permit. Sufficient parking is available through the shared agreement with the shopping center. Ms. Stearns detailed the pedestrian orientation as listed in the 2040 General plan. Applicant Architect Hala Ibramim answered questions regarding the site design. The Council questioned signage, site constrains, proposed design renditions, traffic flow, pedestrian access and traditional pathways and prioritization of bike racks. Landon Hoffman, local franchisee owner of this and other McDonalds indicated he has had no pedestrian accidents in their operating history of over 34 years.

Mayor Oglesby invited comments from the public.
Alex Miller, Bob Constant, Felix Bachofner, Dave Evans, Carlos Ramos, John Owens

The Council each spoke to the review by the Planning Commission and in support of their level of detail. Council Member Wizard requested to add the installation of a guard rail, removal of the 14 foot pole with the emblem on it, adding the bicycle racks to the east, front location of the facility, Council Member Kispersky said that the design is not ideal and spoke against designing for the convenience for cars. She does not believe the site design is safe.

On motion by Council Member Wizard, seconded by Council Member and passed by the following vote, the City Council overturn the denial of the application from the Planning Commission and approved the Coastal Development Permit and Use Permit with the adoption of a resolution with the following three exceptions: installation of a guard rail at the entrance, removal of the 14 foot pole with the emblem on it, adding bicycle racks to the east, front location of the facility.

RESULT:	***Approved 4-1***
AYES:	*Ian Oglesby, Dave Pacheco, Jason Campbell, Jon Wizard*
NOES:	*Alissa Kispersky*

C. INTRODUCTION OF AN ORDINANCE AMENDING SEASIDE MUNICIPAL CODE CHAPTER 9.08 ESTABLISHING REGULATIONS FOR THE USE OF DESIGNATED SKATEBOARDING AREAS (FIRST READING - ROLL CALL VOTE)

Action: Continued

D. CONSIDERATION AND ADOPTION OF AN URGENCY ORDINANCE AMENDING CHAPTER 9.08 OF THE SEASIDE MUNICIPAL CODE ESTABLISHING REGULATIONS FOR THE USE OF DESIGNATED SKATEBOARDING AREAS (ROLL CALL VOTE)

Ashley Collick Recreation Supervisor presented regarding an emergency ordinance to establish skate park operating rules for Seaside's first skate. The ordinance would add to the code rules to require helmets and protective gear, as well as enforcement regulations. She note that staff is conducting focus groups on the rules and uses, including the possible allowance of bicycles. The park is scheduled for re-opening on August 24th and the basic rules must establish to be able to open the park.

Mayor Oglesby invited comments from the public: Dave Evans

City Attorney Freeman indicated that the Emergency Ordinance is good for 45 days. Staff noted that they will return to the Council in August with the results of the Focus group. The Council discussed the allowance of bikes at the facility and agreed to strike it from the urgency ordinance until further information can be provided.

On motion by Council Member Jon Wizard and seconded by Council Member Jason Campbell and passed by the following vote the City Council approved the urgency ordinance with the condition that bikes are removed front he language at this time.

RESULT:	***Approved 5-0***

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

Mayor Oglesby requested to agendize a presentation from the SNIP bus.

12. CLOSED SESSION

The City Council adjourned to closed session at 11:01 pm.

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE 54956.8

1. 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
2. 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

B. PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE 54957

Position Title: City Attorney

C. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE 54956.9 (b) POTENTIAL LITIGATION

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

13. ADJOURNMENT

The City Council reconvened to open session and there were no announcements for the public. On motion, the meeting was adjourned.

Respectfully submitted,

Lesley Milton-Rerig, City Clerk

Ian N. Oglesby, Mayor