



CITY OF SEASIDE
CITY COUNCIL

FINAL MINUTES

REGULAR MEETING
COUNCIL CHAMBER
Thursday, September 20, 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, Campbell, Pacheco, Rubio

ABSENT: Jones

3. **INVOCATION AND PLEDGE OF ALLEGIANCE**

4. **REVIEW OF AGENDA**

City Attorney Freeman requested to revise the agenda to accommodate the audience and requested to move Business Item B up in the agenda and the Council agreed.

5. **PUBLIC COMMENT**

Mayor Rubio invited comments from the public.

- Ryan Gibson, husband to Council Member Jones explained her absence and spoke as her husband how has watched his wife come home after meetings, advocating for citizens' rights, helping constituents and feeling defeated. He spoke to her positive attributes and indicated that she needs support right now.
- Silvia She spoke to the advertisements for the ballot measure regarding water and requested that rate payer money not be spent on advertisements.
- Rebecca Reyes expressed frustration how Council Member Jones is representing the young generation and spoke against Council Member Jones spending of public funds.
- Patricia Fay Mageria spoke in support of the ballot Measure J.
- Susan Skiavoni spoke to Council Member Jones reimbursement for overages and claims she did not know about the limit and cited the City had a responsibility to informing her before it became an issue.
- Jared Reyes CSUMB student spoke in support of Ms. Jones, citing she is the only elected official that has reached out to students, which is disheartening as he desires a life of public service.
- CSUMB Professor Dan Fernandez spoke to the Service Learning Students present doing projects with the City including projects related to sustainability, informational outreach, lineal park feasibility, and revitalization of Fremont Avenue.
- Karen Araujo thanked the City for having policies and procedures in place and thanked the city for proactively responding to the claim. If there is any wrongdoing with CM Jones, the truth will be revealed and she encouraged not bearing false witness to things. Restoring reputations is hard to do.
- Marilyn Mancini spoke to being a senior and that Council Member Jones has never attended a senior event and has not made great efforts to reach out to the Senior population and encouraged being an elected representing all people.

- Rose McGonn CSUMB student who spoke to Council Member Jones efforts to engage the CSUMB Community and youth. She spoke against the alleged behavior of the Council Members and believes that she is a role model for youth.
- Darryl Choate said that the City is not exercising fiduciary responsibility and historically fired a City Manager for the same reason. He spoke to documents provided during a public records act request and spoke against going to Hawaii for a grant writing class which is offered locally from multiple organizations. We don't want corruption in the City of Seaside, again.
- Joy Lucido expressed disappointment for things passed by the Council without due diligence. As a tax payer, she does not appreciate the city spending money on unauthorized things. She spoke against comments that there is no cap on spending and that allowing expenditures without receipts is putting the city in a liability situations, or a conflict of interest and should be required for everything.
- Kera Pani spoke to Council Member Jones as the first female to sit on Council for 20 years, acknowledging the culture and policies that has not encouraged women to seek this volunteer position. In her short tenure she has brought change and energy not seen in 12 years and is disappointing that she feels judged for her appearance and belittled. Child care is a good policy and has positive benefits.
- Bob Coble spoke in support of the impacts of Ms. Jones efforts. He spoke to his personal travel for conferences and to the necessary documentation. He encouraged the City to watch policies for travel expenditures and spoke against the suggestion that she is being subject to bribes. He said she appeals to many different age groups.
- Tom Mancini spoke in agreement with Mr. Coble about his previous travel documentation and while he was a Council Member the city staff watched the expenditures and demanded documentation. He disagreed with previous comments that no other Council Members have reached out to seniors and he noted that Mr. Pacheco has made many attempts. The City has a system and it works, there are policies in place.
- Helen Rucker spoke her continuous efforts to support young people and also has not seen Ms. Jones at all the activities that she attends. She spoke to her own personal contribution to a scholarship for CSUMB students. She shared that when Council Member Jones asked for her support, she said please go back to school and get your degree, speaking as a former school board member and Seaside City Council member.
- Carlos Ramos spoke to Ms. Rucker's comments and that he trusts that the Council will allow the process to be transparent and have no undue influence to be able to find the truth.
- Alan Haffa professor at MPC and Monterey Council Member spoke to Ms. Jones as a student of his. He spoke to his experiences seeing Council Member Jones at events and does not think she is given the same level of respect and expressed disappointment.
- Alvin Edwards spoke to his candidacy for the Monterey Peninsula Water Management District and in support of the feasibility study.
- Dennis Volk said that this is not an issue about demographics, but that every Council member should be looking out for the interest of the tax payers of the City. Anything that is questionable should be looked at.
- Jimmy Welch expressed disappointment that Ms. Jones was not present, because he wanted to talk to her and ask her about the accusations. He spoke to being hurt personally by the situation.
- Evonne Thomas spoke to returning to the peninsula, and to the character assassination of Council Member Jones as embarrassing. Step up who approved it and get the target off her back.
- Gracie Rubio spoke about expense and public resource policy, expressing frustration that Council Member Jones did not follow it and staff did not enforce it. She expressed frustration that there was no supporting documentation for the reimbursement requests including proof she has actually paid the expenditure. The cap is the budget, which has allotments for each item. \$1,500 in travel expense funds for Council Members and \$3,000

for the Mayor. This is government and citizen's money. Anyone who had responsibility for the overspending needs to be accountable to the people.

- Jaclyn Arranda single mother and resident spoke to Ms. Jones' use of tax payer funds for child care, unapproved travel and reimbursements for child care made to a family member. Based on public records it appears Council Member Jones has been abusing her power. She requested a freeze on her card activity, on all travel, on child care reimbursements until an audit is complete and requested she repay all funds not allowable per city policy.
- Don Jordan spoke about water issues and negotiations and to the road destruction that is occurring while they install piping. He requested that Seaside participate in the conversation to protect its residents.
- Ian Oglesby was disappointed that comments were encouraging divisiveness based on age, gender, etc. He's in support of Measure J. He was disturbed with comments made by the City Manager in the paper that Council Member Jones was responsible for the bond rating but that it was actually staff and the entire Council. He discouraged staying comments that will impact election campaigns.
- Ann Marie Pagan questioned why Council Member Jones is requesting child care knowing being a Council Member was a volunteer position and spoke to personally questioning her about her childcare plans during her campaign. There are many families in Seaside, who have jobs and depend on their families for childcare. She questioned why there were no receipts submitted and why reimbursement checks cut uncharacteristically fast. She questioned what the City is doing to enforce the campaign form non-filings. She spoke to the City Manager being the gate keeper of tax payer money and asked that he resign.
- AnnaLisa Mitchell spoke to Council Member Jones responsibility for the people who voted for her and questioned if she was strong enough to lead the City.
- Reverend Kenneth Murray spoke to the officer involved shooting and the need to forgive one another.

Mayor Rubio spoke to the Public Records Act Request that discovered the expenditures and to the accusation made at the last City Council meeting regarding sexual harassment, gender and racial discrimination by four of the five members. The City has agreed to conduct two investigations by outside parties. The reports will be public records and the City values transparency. Council Members need to remember that they represent everyone, young and old, those that can't speak for themselves and those that speak too much. The Council is 100 % accountable for our actions and to the Citizens.

City Attorney Freeman agreed and state that the audit will start with records beginning July 1, 2015 to current and will look at all expenses of all Council Members. The audit will also align policies with expenditures and verify if it meets or violates state laws. This Council owes a fiduciary responsibility to everyone in the community. He encouraged people not to accuse others. Character assassination does not help and these reports will be fact based.

6. PUBLIC AGENCY COMMUNICATIONS

Economic Development Analyst Sharon Mikesell spoke to the upcoming special events for Parking Day, Farmers Market and Hello Neighbor project and art exhibit by students at Martin Luther King School of the Arts. Thomas Mancini spoke representing the Veteran's Transition Advisory Council to remind the public of the Stand Down on the Monterey County Fairgrounds on the 28th -30th for a multitude of assistance to veterans. Francois Avery spoke on behalf of the Seaside Art and History Commission and the reception September 21st from 6-8 PM for the Monterey County Artists Open Studio Tour.

7. PRESENTATIONS

A. PRESENTATION OF THE SEPTEMBER 2018 HOUSE OF THE MONTH

Neighborhood Improvement Commissioner Oleata-Reed and Mayor Rubio presented the winners of the House of the Month and thanked them for their effort to beautify their home.

B. PRESENTATION OF THE 2018 BUSINESS OF THE THIRD QUARTER

Representatives from the Starbucks, Fremont location were honored as Business of the Quarter.

C. PROCLAMATION DECLARING OCTOBER 3, 2018 AS CLEAN AIR DAY IN THE CITY OF SEASIDE.

Mayor Rubio and the City Council declared October 3, 2018 as Clean Air Day in the City of Seaside

D. PRESENTATION FROM LIME REGARDING THE POTENTIAL OF ESTABLISHING THEIR COMMERCIAL DOCKLESS BIKE AND E-SCOOTER SHARE PROGRAM IN SEASIDE

Demetre Frangogiannis from Lime was present to explain their dockless bike and e-scooter program for micro- mobility. He spoke to the intent to revolutionize urban mobility and he spoke to the difference between docked vs a dock less system. He explained the three options for mobility, and e bike, a regular bike and an e scooter. They offer an equitable mobility option and have options for low or moderate income riders for all of the products. Staff noted that OFO who the City previously contracted with has discontinued services in the United states and that Lime has partnered with CSUMB also and would be a partner in the service.

Council Member Pacheco questioned compliance with safety regulations to which Mr. Frangogiannis spoke to public education that is provided through the app when you unlock a device. All scooters have 14 MPH cap. Council Member Campbell questioned the choice between the modes of transportation and regarding liability for reckless riders. Staff was directed to bring back and MOU for adoption.

E. PARKS PROJECTS STATUS REPORT

City Engineer Riedl reported on the status of the five projects that were allocated funding for park improvements during the last Fiscal year budget, for a total of \$150,000 to include Robert's lake, the portal project, Ellis Park, Capra Park, Neil Park. The Roberts lake project has been completed; the portal project is in the final stages of construction design and will be done by the end of the calendar year. Elis park needs an update to the scope of work as there are larger additional needs, including conceptual planning. Capra Park design is in progress, but due to steepness, the originally proposed scope has to be modified and phase one will be done January 2019. In the meantime, the City has improved the basketball court. Neil Park developing the scope of work was more extensive than the \$12,000 allotted funding and is strategizing with proponents. The Pachetti Park sign has been installed and replaced.

Council Member Pacheco thanked Mr. Riedl for his efforts and encouraged the projects stay on track and not be delayed any longer. Mayor Pro Tem Alexander encouraged the consideration of youth exercise equipment where applicable at city parks to which staff said they would look into it.

8. CONSENT CALENDAR

Item A was continued to a future meeting and Items G and I were pulled for discussion.

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

On motion by Mayor Pro Tem Dennis Alexander 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 A, G and I.

RESULT: **Approved**

AYES: Ralph Rubio, Dennis Alexander, Jason Campbell, Dave Pacheco

NOES: None

A. APPROVE MINUTES OF SEPTEMBER 6, 2018

Action: Continued

B. APPROVE AND FILE CITY CHECKS

Action: Approved

C. APPROVE A RESOLUTION AUTHORIZING THE CLOSURE OF BROADWAY AVENUE FROM HILLSDALE TO ALHAMBRA STREETS FOR CERTIFIED FARMER'S MARKET EVENTS FROM OCTOBER 6 THROUGH OCTOBER 27, 2018

Action: Approved and Adopted Resolution 18-94

D. APPROVE A RESOLUTION AUTHORIZING THE CLOSURE OF YOSEMITE STREET, BETWEEN BROADWAY AND MENDOCINO FOR THE SEASIDE FIRE DEPARTMENT OPEN HOUSE ON OCTOBER 6, 2018

Action: Approved and Adopted Resolution 18-95

E. APPROVE A RESOLUTION MODIFYING THE CLASSIFICATION PLAN TO ADD THE CLASSIFICATIONS OF MAINTENANCE & UTILITY WORKER TRAINEE, MAINTENANCE & UTILITY WORKER I, GIS COORDINATOR, AND GIS TECHNICIAN.

Action: Approved Resolution 18-96

F. APPROVE RESOLUTION FOR BUDGET TRANSFER OF \$23,000 FROM EQUIPMENT ACCOUNT TO MOBILE COMMUNICATIONS ACCOUNT TO PURCHASE CELL PHONES.

Action: Approved Resolution 18-97

G. APPROVE A RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO INTERMOUNTAIN SLURRY SEAL INC. FOR THE 2018 SLURRY SEAL PROJECT (VARIOUS STREETS) FOR AN AMOUNT NOT TO EXCEED \$155,270.

Action: Approved Resolution 18-98

Council Member Pacheco thanked staff for bringing this item for approval so quickly. On question

to staff, City Engineer Riedl explained that this project is funded on a pay as you go basis with SB1 funds therefore the scope of work uses all funds from this year. Paving will starting in October for portions of La Salle, Wheeler Street, Hilby Avenue and Sand Dunes Drive. At the October 18th City Council meeting, staff intends to bring a design consultant contract for major street improvements.

H. RESOLUTION REQUESTING CONSENT OF THE CITY OF SEASIDE TO CREATE THE MONTEREY COUNTY TOURISM IMPROVEMENT DISTRICT

Action: Approved Resolution 18-99

I. DIRECT STAFF TO RETAIN THE SERVICES OF AN INDEPENDENT INVESTIGATOR TO REVIEW ALLEGATIONS OF SEXUAL HARASSMENT REFERENCED AT THE SEPTEMBER 6, 2018, COUNCIL MEETING

Action: Approved

The Council agreed that all allegations need to be taken seriously and needs to be resolved swiftly and transparency and before the election of November 6th as it puts into question the character of all Council Members and that the City Attorney should have an active role in choosing the investigator.

Mayor Rubio invited public comment on the item.

- Alan Haffa spoke representing the Monterey County Democratic Party at the direction of the executive committee to explain the State party has a policy combating sexual harassment and demanding civility. And he supports the investigation.
- Alvin Edwards questioned that since this is a personnel situation, will it be confidential?
- Lisa Ann Sawhney spoke to her Human Resources experience and strongly supports additional training for Council Members, as training for employees are already in place and would like the City to be proactive to protect employees.
- Dennis Volk questioned if it had been reported before, why wasn't something done about it.
- Ian Oglesby these allegations should be taken seriously, but the results should be made public and should be resolved with this Council and not the new Council. He expressed disappointment that action was not taken when it was reported.

City Attorney Freeman confirmed that the City Council are not employees and do not have the right of privacy that the City employees have and assured the process would be independent, transparent and expeditious.

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 item as presented.

RESULT: **Approved**

AYES: Ralph Rubio, Dennis Alexander, Jason Campbell, Dave Pacheco

NOES: None

9. PUBLIC HEARING

A. SUBMISSION OF THE 2017-2018 COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED PERFORMANCE AND EVALUATION REPORT (CAPER) TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Sharon Mikesell presented the outcomes of the Consolidated Performance and Evaluation Report (CAPER) for the Community Development Block Grant program. She outlined the benefits of the projects to the following local community based organizations:

- The Boys and Girls Club renovations
- The Genesis House ability to replace widows
- Peace polls created and installed by Community Partnership for Youth
- The new Robert's Lake Park development and equipment
- Girls Inc. of the Central Coast served 88 girls from middle and high school
- Legal Services for seniors 282 citizens received services.
- Salvation Army served over 105 homeless people with their 90 day emergency program and 6-24 month transition housing program.
- The Village project serviced 45 students, tutoring at risk students through a cultural enrichment program
- Seaside Library ADA improvements completed
- Cutino Park accessibility improvements

Ms. Mikesell also reported that the Community Development Advisory Committee looked into the analysis of impediments to fair housing and hosted a partner forum in May 2018. Ms. Mikesell answered questions from the Council. Council Members Pacheco, Campbell and Alexander spoke in support of the work Ms. Mikesell and the CDAC members have done facilitating this program.

Mayor Rubio opened the public hearing 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 accepted the report and directed staff to submit the CAPER to the Department of Housing and Urban Development.

RESULT: **Approved**

AYES: Ralph Rubio, Dennis Alexander, Jason Campbell, Dave Pacheco

NOES: None

10. BUSINESS ITEMS

A. APPROVE RESOLUTION TO AMENDED AND EXTENDED ENA BETWEEN THE CITY OF SEASIDE AND ALFRED GLOVER DBA GLOVER ENTERPRISES, A SOLE-PROPRIETORSHIP.

City Attorney Freeman spoke to the previous lawsuit noting as part of the settlement it was agreed to extend the ENA with minor changes for one full year. The changes in the document include language for prevailing wages, adding "as determined by the State Department of prevailing wages" as well as language dealing with future lawsuits. In the event there is a suite regarding this project dealing with a CEQA issue, that the City would tender the lawsuit to the real party in interest, and they would be responsible for defending the City, exclusively.

Mayor Rubio invited comments from the public and had no request to speak.

On motion by Council Member Dave Pacheco and seconded by Mayor Pro Tem Dennis Alexander and passed by the following vote the City Council Authorized the amendment to the ENA between the City and Alfred Glover DBA Glover Enterprises as presented.

RESULT: **Approved**

AYES: Ralph Rubio, Dennis Alexander, Jason Campbell, Dave Pacheco

NOES: None

City Attorney Freeman left and Counsel Shari Damon replaced his position for the remainder of the meeting.

B. CONSIDER ADOPTION OF A RESOLUTION ADOPTING THE ACTIVE TRANSPORTATION PLAN

City Engineer Riedl presented the draft active transportation plan explaining the City adopted a bicycle and pedestrian master plan in 2011, updated in 2016. He outlined vehicle collision statistics which are declining while bicycle collisions are increasing. He provided a heat map to see where accidents are occurring, predominantly on Broadway, Del Monte and Fremont. He further explained that this plan incorporated criteria that granting agencies are using for disseminating grant funding to increase the City's chances of being awarded grant funding for the proposed upgrades. Finally, he spoke to the preliminary design efforts to revise street striping to add bike lanes on Fremont, Del Monte and Broadway Avenues.

Mayor Rubio invited comments from the public.

- Dennis Volk spoke to previous requests regarding crosswalks on minor streets and was told it was a false sense of security. He spoke to neighborhood traffic as people avoid main arterials and requested staff considers traffic calming measures for neighborhoods.
- Bill Leip said that he sees similar traffic challenge throughout the community and hopes that this transportation activity be partnered with education, to ensure that people know the dynamics of cycling. He expressed disappointment that safety didn't rank higher in the prioritization and expressed concern with the operators of e-bikes or scooters as they don't always follow the rules and explained that ebikes are exempted from wearing a helmet, signed by the governor today. As you expand transportation options, make sure the e-modes work with this plan here.
- Lisa Anne Sawhney seconded the request for training for safety transportations and spoke in support of the streets selected to target safety.
- Jon Wizard stated that with increase speed comes other issues, and as part of the conversation with e-bike companies the Council should require they should come up with the training program for using their bicycles on our streets.
- Ian Oglesby requested that staff and the City Manager find ways to prioritize mitigation of the dangerous intersections now, if they know it is a safety concern.

On motion by Council Member Jason Campbell and seconded by Mayor Pro Tem Dennis Alexander and passed by the following vote the City Council adopted Resolution 18-9 adopting the Active Transportation Plan.

RESULT: **Approved**

AYES: Ralph Rubio, Dennis Alexander, Jason Campbell, Dave Pacheco

NOES: None

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

Council Member Pacheco requested that within 90 days staff present to the Council for consideration a draft policy with options regarding a family care policy. Possible options could include budget, restrictions, limits to hours and eligibility. Mayor Pro Tem Alexander requested a presentation on the City's disaster plan.

12. ADJOURNMENT

Having no further business, the meeting was adjourned.

Respectfully submitted,


Lesley Milton-Rerig, City Clerk


Ralph Rubio, Mayor