



FINAL MINUTES
CITY OF SEASIDE
CITY COUNCIL

REGULAR MEETING
Council Chamber
Thursday, May 16, 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

4. REVIEW OF AGENDA

City Manager Malin requested to table Item 8A for future review by the Traffic Advisory Committee.

5. PUBLIC COMMENT

Speakers: John Kaza, Susan Skiavoni, Nina Beatty, Ruthie Watts, Bobby Maxwell, Mathew Potter, Michael Pekin, Alex Miller, Ray Bennett, Camille Groves, and Tom Mancini.

6. PUBLIC AGENCY COMMUNICATIONS

Neighborhood Improvement Commissioner Bennet requested to add to the Committee Handbook regulations that any applicant for appointment must attend at least one meeting prior to appointment. Monterey Water Management Director Edwards spoke to the Pure Water Monterey public scoping session on June 5 at the Oldemeyer Center for the phase two of the expansion of the Pure Water Monterey project.

7. PRESENTATIONS

A. PROCLAMATION DECLARING MAY 19-25, 2019 AS "NATIONAL PUBLIC WORKS WEEK" IN THE CITY OF SEASIDE AND RECOGNITION OF THE 2018 PUBLIC WORKS EMPLOYEES OF THE YEAR

Action: Presented to the Public Works Director and Staff and Employees of the Year Kristin Rice and Tommy Douglas.

B. PRESENTATION REGARDING THE 2020 CENSUS

Action: Christina Granados from the US Census and Rosemary Soto from Monterey County presented regarding the 2020 Census.

C. PRESENTATION OF THE 2019 FIREWORKS OPERATIONS AND ENFORCEMENT PLAN

Action: Police Chief Pridgen presented the fireworks operation and enforcement plan for 2019. He spoke to ways the public can report illegal fireworks, and to the planned zero tolerance enforcement effort for illegal fireworks.

D. DEL MONTE MANOR DRAINAGE IMPROVEMENT UPDATE

Action: Assistant Engineer Scott Ottmar the proposed drainage improvements to the Del Monte Manor to stop drainage and flooding issues.

8. CONSENT AGENDA

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 items A, B, D and F from the Consent Agenda.

RESULT: *Approved 5-0*

A. APPROVE MINUTES FROM APRIL 30, 2019 AND MAY 2, 2019

Action: Approved

B. APPROVE AND FILE CITY CHECKS

Action: Approved

C. PROCLAMATION RECOGNIZING POLLINATOR WEEK: JUNE 17-23, 2019

Speaker: Nina Beatty

On motion by Council Member Jon Wizard and seconded by Council Member Alissa Kispersky and passed by the following vote the City Council approved the proclamation as presented.

RESULT: *Approved 5-0*

D. PROCLAMATION RECOGNIZING THE MONTH OF MAY 2019 AS "POPPY MONTH"

Action: Presented

E. APPROVE THE TRAFFIC ADVISORY (TAC) COMMITTEE RECOMMENDATIONS

Action: Item Continued.

F. ADOPT RESOLUTION CANCELING THE JULY 4, 2019 REGULAR COUNCIL MEETING

Action: Approved and adopted Resolution 19-30

G. ADOPT A RESOLUTION IN SUPPORT OF THE 2020 CENSUS

Council Member Wizard explained the number of programs that benefit from federal funding, which are based on census numbers and expressed support for city efforts and potential contributions to support an accurate and complete count in our community. He spoke to the importance of public outreach due to the potential citizenship question and other factors that may deter participation.

On motion by Council Member Jon Wizard and seconded by Council Member Jason Campbell and passed by the following vote the City Council adopted Resolution 19-32 supporting efforts for the 2020 Census.

RESULT: **Approved 5-0**

H. ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEASIDE APPROVING THE 2019 FIREWORKS SURCHARGE PERCENTAGE.

Council Member Wizard clarified that the surcharge was created to balance the cost of the enforcement and clean-up of the event. No public comments.

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 resolution 19-32.

RESULT: **Approved 5-0**

I. ADOPT A RESOLUTION AUTHORIZING THE CITY OF SEASIDE AND SEASIDE RAIDERS YOUTH FOOTBALL MEMORANDUM OF UNDERSTANDING

Recreation Superintendent Dan Meewis spoke to the MOU being a joint partnership with the Raiders youth football program and this was assistance to secure fields on MPUSD facilities. If we partner we can get them the use of the fields under our MOU with the district. It also allows them extra storage space at Cutino Park. The Mayor thanked Mr. Meewis for his efforts on this program but said he did not support the item with the requirement for volunteers at large city events. The liability insurance is set at 5 million, and our insurance company has required this level of insurance. No comments from the public.

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 resolution 19-33 amending MOU to remove the provision that requires volunteers at City events.

RESULT: **Approved 5-0**

J. ADOPT A RESOLUTION TO APPROPRIATE \$18,000 FROM THE CAPITAL RESERVE FUND FOR THE CONSTRUCTION OF TEMPORARY STORAGE FACILITIES

Action: Approved and adopted resolution 19-34

On motion by Mayor Pro Tem Dave Pacheco and seconded by Council Member Jason Campbell and passed by the following vote the City Council Adopted resolution 19-34 presented.

RESULT: **Approved 5-0**

9. PUBLIC HEARING

A. APPEAL OF PLANNING COMMISSION DENIAL FOR USE PERMIT APPLICATION NO. UP-19-01. LARRY AMOS, APPLICANT, IS APPEALING THE PLANNING COMMISSION DENIAL OF A USE PERMIT TO ALLOW THE ESTABLISHMENT OF AN ITINERANT VENDOR TO COOK AND SELL BARBECUE FOOD PRODUCTS OUTDOORS IN THE REAR OPEN SPACE AREA OF TERRACE LIQUORS LOCATED AT 1949 FREMONT BOULEVARD IN THE REGIONAL COMMERCIAL (CRG) ZONING DISTRICT. THE PROJECT IS EXEMPT CLASS 3, SECTION 15303(E) FROM THE CALIFORNIA ENVIRONMENTAL ACT (CEQA) GUIDELINES.

Community Development Director Stearns presented speaking to the Planning Commission hearings. She provided a background of the site, the zoning code that allows outdoor cooking subject to a use permit approval, and the lack of water available for site development. She detailed the site plan including the location of the trailer, parking, accessible pathway, traffic behavior, site control mechanisms, site photos from different views of the site layout with the site set up, and the sound issues. Ms. Stearns noted the Planning Commission comments that cited this use as inconsistent with the allowable Zoning uses and would provide adverse visual impacts, safety and noise complaints. Staff disagreed. Staff also noted that there has been an increasing demand for food trucks in the City and regulations need to be addressed. Ms. Stearns answered questions from the Council. The Council questioned the hours of operations, sound from the generator, availability of water, the traffic and ambient noise, code enforcement and past development requests.

The applicant Larry Amos spoke to his experience in the food industry and his efforts to ensure his operations were in compliance with regulations. He explained his efforts to comply with Planning Commission recommendations and his future business aspirations. He spoke to being a vendor at the 4th of July celebration and now many other City events.

Mayor Oglesby opened the public hearing. Ron Cheshire, Tom Mancini, Michael Spalletta spoke in support of the appeal and granting the use.

On question, the City Attorney clarified the permit cannot be detracted unless there was a public nuisance.

On motion by Council Member Jon Wizard and seconded by Mayor Pro Tem Dave Pacheco and passed by the following vote the City Council Approved the staff recommendation adopting the findings as set forth in the staff report overturning the Planning Commission Decision and approving the Use Permit with a modification to change the hours of operation to accommodate for the clean up of the site.

RESULT: *Approved 5 - 0*

B. ADOPTION OF AN ORDINANCE TO AMEND CHAPTER 2.14 BOARD AND COMMISSIONS TO EXPAND THE MEMBERSHIP OF THE PARKS AND RECREATION COMMISSION AND THE NEIGHBORHOOD IMPROVEMENT COMMISSION BY ADDING ADDITIONAL MEMBERS AND TO CODIFY THE ENVIRONMENTAL COMMITTEE AND COMMISSION ON THE STATUS OF HOMELESSNESS (SECOND READING, ROLL CALL VOTE)

This was the second reading of the ordinance. There were no staff reports or questions from the Council. Mayor Oglesby invited comments from the public. Ray Bennett and Alex Miller requested to table the item until the Commissions could weigh in on the expansion.

On motion by Council Member Jason Campbell and seconded by Council Member Alissa and passed by the following vote the City Council postponed the adopting of the ordinance further information can be received from the Commissions.

RESULT: ***Postponed 5-0***

10. BUSINESS ITEMS

A. ADOPT A RESOLUTION ENDORSING ASSEMBLY BILL 392: AN ACT TO AMEND SECTIONS 196 AND 835a OF THE PENAL CODE, RELATING TO THE USE OF FORCE BY PEACE OFFICERS

Chief Pridgen made the presentation for the item discussing the purpose of the legislation and the general supporting and opposing viewpoints. Speakers: Ms. Green, Tony Snell, Jeff Williams, Israel Media, David Rice, Alexis Montelena, two Seaside officers, Jessie Perez

Council Member Wizard moved to adopt a resolution endorsing Assembly Bill 392 an act to amend sections 196 and 835A of the penal code relating to the use of force of police officers.

RESULT: ***Failed 3-2*** (Kispersky, Oglesby and Pacheco voted no)

11. COUNCIL MEMBER REQUESTS

A. CONSIDER AGENDIZING A REQUEST TO ADD A CITY TREASURER (OGLESBY)

Mayor Oglesby withdrew his request.

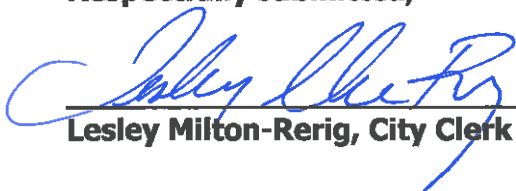
12. MAYOR, CITY COUNCIL, CITY MANAGER AND CITY ATTORNEY COMMENTS AND REPORTS ON COMMITTEE ASSIGNMENTS

Mayor Oglesby requested to have a presentation from Pure Water Monterey, California American Water, the Monterey Regional Water Management District and Public Water Now.

13. ADJOURNMENT

On motion, the meeting was adjourned at 11:40 PM.

Respectfully submitted,



Lesley Milton-Rerig, City Clerk



Ian N. Oglesby, Mayor