

MINUTES
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY
OF THE REDEVELOPMENT AGENCY

Regular Meeting – January 19, 2016
5:30 P.M.
CITY COUNCIL CHAMBERS

Mayor Pendergrass opened the meeting at 5:31 p.m.

The invocation was led by Reverend Robert Hellam.

The Pledge of Allegiance was led by Police Chief Brian Ferrante.

Present: Council Member Blackwelder
Council Member Carbone
Council Member Hubler
Council Member Kruper
Mayor Pendergrass

Staff: Todd Bodem, City Administrator
Jim Heisinger, City Attorney
Leon Gomez, City Engineer
Brian Ferrante, Police Chief
Linda Scholink, Administrative Services Director/City Clerk
Charles Pooler, Associate Planner

AGENDA ITEM 4, COMMUNICATIONS

A. Written communication distributed to the Council were the TAMC presentation (agenda item 7A), Recognized Obligations Payment Schedule (ROPS 16-17) (agenda item 10C), and a letter of support for AB21 to Rob Bonta.

B. Oral

5:34 p.m. Floor opened for Public Comment.

There was no comment from the Public.

5:34 p.m. Floor closed to Public Comment.

AGENDA ITEM 5, CONSENT CALENDAR

- A. Conditional Use Permits (CUP) and Coastal Development Permits (CDP) are subject to annual review by the City Council and City staff. Upon review of each of the following Use Permits, staff is recommending continued operation of the Use Permits to the City Council based on the finding that these uses are in compliance with their permits. There was no discussion of the following use permits.
- (1) CUP #110, Solis Automotive (Auto Body), 531 Shasta Avenue
 - (2) CUP #179, Roy Hubbard (2nd Floor Residential), 542 Ortiz Avenue
 - (3) CUP #191, Lifeline Food (Food Process) 426 Orange Avenue
 - (4) CUP #238, Just Andy Auto Repair (Auto Repair), 465-A Olympia Avenue
 - (5) CUP #344, Thomas Felix (Residential Unit), 672-A Dias Avenue
 - (6) CUP #375, J&D Auto (Auto Repair), 1695 Contra Costa
 - (7) CUP#401, Kyle Racing engines (Motorcycle Engine Assembly), 801-B California Avenue
- B. There was no discussion of the January 4, 2016 SPECIAL Sand City Council Meeting Minutes.
- C. There was no discussion of the Public Works Monthly Report, December 2015.
- D. There was no discussion of the Police Department Monthly Report, December 2015 and Annual Report for 2015.
- E. There was no discussion of the Fort Ord Reuse Authority Monthly Report (FORA), January 2016.
- F. There was no discussion of the City **Resolution** adopting a Challenge Grant of up to \$334 to Match other Cities of Monterey County in Seeking a Long Term Solution to Homelessness in our Area.
- G. City **Resolution** authorizing and Directing the City Administrator to Enter into a Right of Entry Permit Agreement with the State of California Department of Parks and Recreation allowing Public Access and Maintenance Over, On, and Through Those Portions of the Bay Avenue Coastal Access Project Improvements that reside on the Lands of the State of California. *{This item was continued to the February 2, 2016 Council meeting}*

Motion to approve the Consent Calendar items 5A-F was made by Council Member Kruper, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled from the consent calendar.

AGENDA ITEM 7, PRESENTATION

A. Presentation by Executive Director Debbie Hale of the Transportation Agency for Monterey County (TAMC) on the Transportation Investment Plan and Proposed 3/8% Sales Tax Measure {10 minutes}

Debbie Hale of the Transportation Agency for Monterey County (TAMC) reported that the Mayor and City Administrator have reviewed the draft Transportation Investment Plan. The plan depicts the present condition of roads with over \$1 billion of unfunded maintenance in Monterey County. The longer the wait, the more it would cost to maintain the roads. She addressed the aging population within the County, the decrease of 50% in revenues from gas tax due to the production of electric vehicles and the lower cost of gasoline. As a form of self-help, the County can implement a transportation program and decide what to do with the revenues received. This would also allow TAMC to apply for matching grant funds. The proposal is for 3/8% of a penny sales tax measure, and if approved by the voters, will be placed into a transportation fund. This would result in revenues of approximately \$20 million dollars per year. TAMC's Board prepared a plan and released for public comment a balanced transportation plan where 50% percent would be allocated towards local road repairs, and 50% towards safety and mobility needs. She explained the reasoning behind the 50/50 plan due to immediate road repair needs and regional improvements. The plan would provide Sand City an amount of \$488,000 over 30 years for street and road repairs. Ms. Hale further reported that the funds would also be allocated towards improvement at Castroville Blvd, Highway 156, an inexpensive busway for Highway 1, downtown safety and walkability funding, and safe routes to schools. The most important feature is that the State cannot take this money away.

TAMC is hoping to provide a revised plan based on the Council's input by the end of February. TAMC is hopeful that on Election Day the sales tax measure will be approved by the voters. This is a plan the County would need, to assist in fixing streets and regional roads, and would be proposed for adoption by all cities in March or April this year. She encouraged the Council to review and provide input on the proposed transportation investment plan.

AGENDA ITEM 8, PUBLIC HEARING

A. SECOND READING: Ordinance of the City Council of Sand City Amending Sand City Municipal Code Title 18 (Zoning Ordinance) to Amend Chapters 18.68, 18.72, and 18.92 and Sections 18.62.111 and 18.74.010, to add Section 18.74.015, and Delete Section 18.62.180

Associate Planner Charles Pooler presented for Council's approval the second reading amending chapters and sections of Title 18 of the Sand

City Municipal Code. The Ordinance is for the updating and streamlining of the permitting process to make it more efficient especially for those projects that require a coastal development and conditional use permit. Council unanimously passed this Ordinance at the January 4 Council meeting, and is being presented for second reading and adoption by the Council tonight.

5:56 P.M. Floor opened for Public Comment.

There were no comments from the Public.

5:56 P.M. Floor closed to Public Comment.

Motion to approve the Second Reading of the **Ordinance by title**, amending Sand City Municipal Code Title 18 (Zoning Ordinance) to Amend Chapters 18.68, 18.72, and 18.92 and Sections 18.62.111 and 18.74.010, to add Section 18.74.015, and Delete Section 18.62.180 was made by Council Member Hubler, seconded by Council Member Kruper. Roll Call Vote AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

B. SECOND READING: Ordinance of the City Council of Sand City to Amend Section 18.69 of Title 18 (Zoning Ordinance) of the Sand City Municipal Code Prohibiting Medical Marijuana Dispensaries, Cultivation of Marijuana, Commercial Marijuana Deliveries, and all Commercial Medical Marijuana Activities in Sand City

Associate Planner Charles Pooler commented that at the January 4, 2016 Council meeting, the City Council adopted for first reading, an ordinance amending Section 18.69.10 of the Sand City Municipal Code to expand the prohibited activities of medical marijuana to include cultivation and all commercial marijuana activities. The ordinance is being presented again to City Council for second reading and action. Staff recommends the City Council take action to approve the draft Ordinance for second reading.

5:59 P.M. Floor opened for Public Comment.

Public audience member David Kops commented that he would like to open a medical marijuana dispensary within the City. He personally feels that medical marijuana may cure cancer, many other diseases, and would provide the City with financial resources.

Sand City resident Michele Howard commented that she respects those who suffer from illness and their need to cope with their illness, but does not feel the need for medical marijuana in the City. She likes the City the way it is and does not want an increase in crime, or the need to hire

additional police staff. There are alternative forms of medicine to combat illness, and she adamantly expressed her opposition to having medical marijuana within the City. She would rather pay additional taxes than to benefit from additional money from these activities.

Public audience member Mary commented No, No, No.

6:09 P.M. Floor closed to Public Comment.

Council Member Kruper stated that *“the Public Safety Committee (PSC) met on January 13th and the Committee decided to wait for the State to proceed with legislation AB21 before the Committee reviewed the differences between Prop 215 and the new laws signed by the Governor. As expected there is a push by the ALCU to remove local authority to regulate medical marijuana. This would give the power and the revenue to the State. The Committee looked over the ordinances for other cities, and these cities are also looking to find a balance of the rights of the Prop 215 card holders and the desire of the Council to ban all commercial medical marijuana. Tomorrow, the State Health Committee will hear AB2, this bill might strip the local governments authority to regulate patients and primary caregivers. The consensus of the PSC is to wait for the State to make clear whom the regulatory authorities will be, then review what the ordinance would do to respect all the residences of the City.”*

Council Member Hubler reiterated the importance of a City's right to regulate marijuana. He doesn't want to see a dispensary, cultivation, or the origination of a delivery service. He questioned the part of the ordinance that prohibits delivery to an individual that is physically unable to obtain medical cannabis, and expressed his disagreement with the language of how the ordinance was written.

Mayor Pendergrass commented on his opinion regarding the medical marijuana issue and believes that there is a price to pay if this ordinance is not approved.

Motion to approve the Second Reading of the **Ordinance** of the City of Sand City to Amend Section 18.69 of Title 18 (Zoning Ordinance) of the Sand City Municipal Code Prohibiting Medical Marijuana Dispensaries, Cultivation of Marijuana, Commercial Marijuana Deliveries, and all Commercial Medical Marijuana Activities in Sand City was made by Council Member Pendergrass, seconded by Council Member Carbone. Roll Call vote AYES: Council Members Blackwelder, Carbone, Hubler, Pendergrass. NOES: None. ABSTAIN: Council Member Kruper. ABSENT: None. Motion carried.

C. Consideration of City RESOLUTION Amending the Planning Department Fee Schedule and Adopting an Application 'Reimbursement Agreement'

Associate Planner Charles Pooler commented that EMC Planning Group and City staff reviewed the Planning Departments current permit fee schedule with the intent to update the Fee Schedule to better reflect related City expenses. This includes incorporating a 'reimbursement agreement' to recoup expenses not covered by the flat rate application fee. This was presented to the Council at the October 20th Council meeting. Based on their consensus the proposed fee reorganization and increases, and the implementation of a reimbursement agreement were generally acceptable. Staff recommends approval of the draft Resolution to amend and update the Planning Department Fee Schedule and enact the Reimbursement Agreement. If approved, these will become effective sixty (60) days following its adoption.

6:24 P.M. Floor opened for Public Comment.

There were no comments from the public.

6:24 P.M. Floor closed for Public Comment.

Motion to approve the City **Resolution by title**, amending the Planning Department Fee Schedule and Adopting an Application 'Reimbursement Agreement' was made by Council Member Kruper, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. Motion carried.

D. Consideration of City RESOLUTION Approving Conditional Use Permit 597, Coastal Development Permit 16-01, and Site Plan 16-01 to Porsche of Monterey Authorizing a Temporary Parking Area within a Specific Segment of the Railroad Right-of-Way

Associate Planner Charles Pooler presented an application submitted by Jim Davis representing 'Porsche of Monterey' for a coastal development and conditional use permit, and site plan approval to establish a paved parking area within the railroad right-of-way. The applicant intends to use this area for additional parking to serve his business. The project involves grading, asphalt pavement, and landscaping to accommodate additional inventory, customer, and employee parking. The parking area will be approximately 40-feet deep, and 344 feet wide. Esthetic improvements will be made in order to make the entire project move forward and beneficial to the City. A conceptual landscape plan was provided illustrating New Zealand Christmas Trees and 160 perennial grasses. Irrigation will be installed. To mitigate potential blighting influences, permit conditions should prohibit storage/parking of inoperable vehicles and/or dilapidated vehicles, tires, pallets, packaging and unscreened waste receptacle bins/dumpsters. The Transportation Agency of Monterey County (TAMC) intends to eventually reinstate commuter rail service to Monterey that

would require some or all of the railway corridor width; which could then require the applicant's parking area to be removed. Staff recommends a 5-year time limit with the potential for discretionary time extensions thereafter. The extended time of 5 years (contrary to the standard 2-year time limit for railroad uses) is recommended due to the extensive level of improvements. This project is required to implement stormwater control measures (SCM), therefore a Stormwater Control Plan (SCP) is required. The project plans identify bio-filtration retention planters within the railroad right-of-way to accept stormwater runoff. This requires an Operations and Maintenance Plan (O&M Plan) and legal agreement to be recorded on the property with the Monterey County Recorder's Office regarding the long term operation and maintenance of all installed SCM's. If the project cannot demonstrate compliance, the permits should be subject to termination. Staff recommends approval of a coastal development, site plan, and conditional use permit for the project.

6:33 P.M. Floor opened for Public Comment.

The applicant Mr. Jim Davis thanked the Council, Staff and Mayor for their time and commented that following Tesla's move in date, he was approached regarding improvement to the parking lot. He has been working on a conceptual design that would work for the City. A handout containing photographs was provided to the Council of the design for the parking area. He is proposing placing drought resistant, eco-friendly plants on the west side of the tracks that will be installed and maintained.

The Mayor thanked Mr. Davis for his cooperative nature and asked if he was in agreement with the conditions of the permit. Mr. Davis responded that he was in agreement with permit conditions.

6:41 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** approving Conditional Use Permit 597, Coastal Development Permit 16-01, and Site Plan 16-01 to Porsche of Monterey Authorizing a Temporary Parking Area within a Specific Segment of the Railroad Right-of-Way was made by Council Member Blackwelder, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

E. FIRST READING: Ordinance of the City of Sand City Adopting and Adding Chapter 6.10 to the Sand City Municipal Code requiring Proper Disposal of Pet Solid Waste

City Administrator Todd Bodem commented that there had been several complaints regarding animals defecating on public and private property. At the November 10th Public Safety Committee meeting, a discussion revolved around creating an ordinance that would involve removal of pet

solid waste. This ordinance requires that pet owners remove pet waste upon defecating, and allows for enforcement should a violation occur.

6:45 P.M. Floor opened for Public Comment.

There were no comments from the Public.

6:45 P.M. Floor closed to Public Comment.

Motion to approve the First Reading of the **Ordinance** of the City of Sand City Adopting and Adding Chapter 6.10 to the Sand City Municipal Code requiring Proper Disposal of Pet Solid Waste was made by Council Member Hubler, seconded by Council Member Carbone. Roll Call Vote AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

There was Council discussion regarding the possibility of placing signs around the city and where those signs would be placed. Chief Ferrante agreed that the placement of signs may be a good idea.

AGENDA ITEM 9, OLD BUSINESS

A. Progress report on Public Works projects, South of Tioga Redevelopment project, Coastal projects, and other Sand City community programs by City Engineer/Community Development Director/City Administrator

City Engineer Leon Gomez reported that water production of the desalination plant has been on hold due to high salinity at the feed water wells. Cal-Am's modeling consultant, Staff, Martin Feeney and several representatives from Cal-Am were in attendance for the meeting regarding the plant's inability to produce water.

City Administrator Todd Bodem reported that the meeting was very productive and that a list of seven action items was discussed. Derrick Williams will update the model to include the inland area near the desal plant, compile a response to Tom Luster regarding the salinity levels, and provide information relating to the Tioga wells.

City Attorney Jim Heisinger commented on the likelihood that several more wells will need to be drilled, and reported on his conversation with Rob MacLean, provided information on the current wells, and the inadequacy of the feed water and discharge line. He suggested that a discharge line may be installed that runs towards Bay Avenue. Mr. MacLean is very interested in getting the desalination plant running again.

There was Council discussion regarding salt water intrusion, and

suggestions on how to resolve the issue in relation to the permitting process and stormwater compliance.

Mr. Gomez continued to report on the stormwater permit program and conducting business inspections.

City Administrator Todd Bodem reported that Mr. Don Orosco dropped off a proposal for the purchase of the six lots at the Carroll Property.

AGENDA ITEM 10, NEW BUSINESS

A. Consideration of EMC's Proposals for a Sand City Vibrancy Plan and Zoning Code Update

City Administrator Todd Bodem commented that the item is not for approval, but rather for Council consideration for one of the two proposals provided in the agenda packet. A meeting was held with EMC Planning Group for development of a vibrancy plan. The cost for development of the plan is not in the current budget but Staff feels the plan should go back to the Budget/Personnel Committee for consideration. Council Member Blackwelder added that a vibrancy plan would give the City an opportunity to move forward and that the cost can be spread out over a period of 3-4 years.

Mayor Pendergrass suggested that the Budget/Personnel Committee take a look at the vibrancy plan to provide their recommendation. There was Council discussion regarding the possible reorganization of the Parking Committee to serve as a Technical Advisory Committee.

B. Consideration of Successor Agency RESOLUTION Approving an Administrative Budget for Fiscal Year July 2016 through June 2017

Administrative Services Director Linda Scholink presented the proposed budget for the successor agency for July 1, 2016 through June 30, 2017. Compared to the current budget, the amount allocated for staffing was reduced. There is an amount depicted for implementation of the Long Range Property Management Plan (LRPMP), and an increase of \$25,000 for Oversight Board legal services. Ms. Scholink provided clarification to Vice Mayor Carbone regarding the legal services fee increases, stating that the amounts serve as a placeholder.

The City Attorney mentioned that he will be involved with implementation of the Long Range Property Management Plan. The budget was adjusted accordingly as discussed to include a fee for Mr. Heisinger's services. There was no change in the total amount of the administrative budget.

Motion to approve the Successor Agency **Resolution as amended**, approving an Administrative Budget for Fiscal Year July 2016 through

June 2017 was made by Agency Member Kruper, seconded by Agency Member Carbone. AYES: Agency Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

C. Consideration of Successor Agency RESOLUTION approving the Recognized Obligation Payment Schedule (ROPS) for July 2016 through June 2017 (ROPS 16-17A and ROPS 16-17B)

Administrative Services Director Linda Scholink reported that for the first time in filing the Recognized Obligation Payment Schedule (ROPS) that a full year is being requested. She explained that each half of the fiscal year involves bond payments, an amount divided in half for the administrative budget, a request for SERAF, and the Seaside payment.

City Attorney Jim Heisinger explained the total amounts for the fiscal year and the corresponding budgeted line items. He provided details of the tax sharing agreement (column I) as ordered by the court in the stipulated judgment as reported in the attached document.

Motion to approve the Successor Agency **Resolution** approving the Recognized Obligation Payment Schedule (ROPS) for July 2016 through June 2017 (ROPS 16-17A and ROPS 16-17B) was made by Agency Member Hubler, seconded by Agency Member Kruper. AYES: Agency Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. Motion carried.

D. Upcoming Meetings/Events

There were no RSVP's from the Council.

AGENDA ITEM 11, CLOSED SESSION

The City Attorney deemed that there was no need for closed session.

AGENDA ITEM 12, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Hubler to the next regularly scheduled Council meeting on Tuesday, February 2, 2016 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 7:37 p.m.

Linda K. Scholink, City Clerk