

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

Regular Meeting – March 3, 2015
5:30 P.M.
CITY COUNCIL CHAMBERS

Mayor Pendergrass opened the meeting at 5:30 p.m.

The invocation was led by Reverend Carl Kelleher.

The Pledge of Allegiance was led by Police Chief Michael Klein.

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
 Michael Klein, Police Chief
 Linda Scholink, Administrative Services Director/City Clerk

AGENDA ITEM 4, COMMUNICATIONS

- A. Written communication distributed was a conflicts list.

- B. Oral

5:32 P.M. Floor opened for Public Comment.

Sand City Resident Mike Morris commented on the City's skunk problem via email to City officials. A skunk was found beneath his home and he had to leave for the day due to the odor. He contacted Mr. Ron Brown who advised him that the skunks/rodents are no longer going into the traps and are attracted to Sand City by food being left out by residents. There are people who love cats and come into Sand City to feed them. Mr. Morris appealed to the Council to consider passing an Ordinance specifically stating that people can not leave food out for their pets. Following some research, Mr. Morris reported that traps are manufactured to specifically trap skunks and are available through the Contra Costa Mosquito & Vector Control Agency. The agency purchases traps, and educates people on their use. Mr. Morris suggested that the City purchase some traps at a cost of approximately \$50-\$60 each and begin a City-wide program to

control the skunk/rodent issue.

The Mayor commented that the City is working on an Ordinance to aid in controlling the skunk issue.

5:38 P.M. Floor closed to Public Comment.

AGEND ITEM 5, CONSENT CALENDAR

The Consent Agenda consists of routine items for which City Council approval can be taken with a single motion and vote. A Council member may request that any item be placed on the Regular Agenda for separate consideration.

- A. There was no discussion of the February 17, 2015 Council Meeting Minutes.
- B. There was no discussion of the City/Successor Agency Monthly Financial Report, January 2015.
- C. There was no discussion of the City **Resolution** approving an Amendment to the City Administrator Employment Agreement.
- D. There was no discussion of the City **Resolution** Intention to Approve the Amended Joint Powers Agreement, Monterey Bay Area Self Insurance Authority (MBASIA).
- E. There was no discussion of the City Donation/Contribution to Seaside High School "Sober Grad Night" for \$200.
- F. There was no discussion of the Fort Ord Reuse Authority (FORA) Board Report, February 2015.

Motion to approve the Consent Calendar items was made by Council Member Carbone, seconded by Council Member Kruper. 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 Sand City Chamber Executive Director Jim Vossen on the Status of the Chamber and Consideration of Annual Contribution of \$5,000 for February 2015 through January 2016 (10 minutes)**

Sand City Chamber Secretary/Treasurer Jim Vossen introduced Richard

Glenn, Chamber President, and Steve Bloomer Vice-President. Mr. Vossen reported that the names of the other cities have been separated from Sand City to equally give each City their own license and individual recognition. Sand City has approximately 40 members, of whom a few are the City of Monterey residents, but do business within Sand City. The Chamber experienced a slow period due to a problem involving Del Monte Manor. A meeting was held on August 11th to reorganize the management, and a professional management team was hired to assist in the transition beginning January 1st. He explained that the Chamber's involvement with community concerns resulted in the correction of the problem involving Del Monte Manor. Funds were expensed to remodel the community center through new carpet and paint. Mr. Vossen reported that the Chamber has active board members, one of whom is Jennifer Christner, Manager of Public Storage, who is featured in the publication "Foolish Times".

The City Clerk distributed the publication to the Council.

Mr. Vossen further reported on new members that join, website visibility, new business seminars, and information on businesses that desire to expand. The Chamber does what it can with the limited funds available to them.

Council Member Kruper commented that following review of the website, there are only 29 members that are Sand City Businesses. The Chamber is requesting \$5,000 for the year, and requested information on how much other cities were donating. Mr. Vossen reported that the City of Seaside has been contributing \$5,000 annually. There was discussion regarding ideas for the future of the Sand City Chamber and what they can do for the City. Council Member Blackwelder suggested that if Mr. Vossen return at a future time to give the Council a report on activities the Chamber is coordinating specifically for the benefit of Sand City. If it proves comparable to activities organized for the City of Seaside's, the Council can reconsider a donation.

Mayor Pendergrass expressed his belief in the Chamber, its importance, what they do for cities, and their activities to promote a City's business community. The Chamber has proven their credibility, is vibrant and very pro-business. He suggested that representatives from the Chamber positively accept the comments made tonight, and invited them to return at a future time with a proposal and request of a donation for an amount that would reflect the activities made on behalf of Sand City. The Mayor expressed his appreciation for what the Chamber has accomplished so far.

There was consensus of the Council to reconsider the donation to the Sand City Chamber at a future Council meeting.

AGENDA ITEM 8, PUBLIC HEARING

A. Consideration of City Resolution approving Conditional Use Permit 586, Coastal Development Permit 15-01, and Site Plan 15-01 to Mark Woltmon authorizing a Temporary Parking Area within a Specific Segment of the Railroad Right-of-Way {continued from the February 17, 2015 Council meeting}

Associate Planner Charles Pooler presented an application submitted by Mark Woltmon owner of a commercial property at 1901 Del Monte Boulevard, Seaside for a coastal development, conditional use permit, and site plan approvals to allow for the establishment of a temporary parking area within a portion of the railroad right-of-way inside Sand City. The railroad right-of-way is a non-functioning rail transportation corridor. TAMC is the owner of the railway and is prepared to lease the project area to the applicant. The applicant is in the process of leasing his Seaside commercial property to Tesla, who will utilize the site for new car sales, servicing, and vehicle charging. There will be 8 to 15 employees at the location during regular business hours. The parking originally proposed was for a 200 feet wide by 45 feet deep site. The applicant submitted a letter requesting the need for 240 linear feet for a total of 10,800 square feet of parking. The area will be graded in order to raise the site's elevation to match the abutting commercial property. An existing concrete loading dock within the railroad right-of-way will remain and be incorporated into a parking area. Since the project will be visible from the Sand Dollar Shopping Center, a clean and orderly appearance is vital. Permit conditions include no fencing or screening on the property. It is also noted that permit conditions allow the parking area for employees during business hours, and prohibits all parking during non-business hours. Any parking of non-functional vehicles should be prohibited. Staff has been in communication with TAMC for the missing link along Sand Dollar Shopping Center to extend California Avenue through the railroad right-of way. TAMC has future plans for reinstating commuter rail service to Monterey. These concepts would require some or the entire railway; therefore, Staff recommends a 2-year time limit with discretionary time extensions if the Council decides to grant permit approval to the applicant for the parking area.

At the last meeting, Staff mentioned time continuation of the application to address issues with stormwater. The City Engineer and Staff had resolved that the best solution was that all the stormwater in this area be engineered to drain into Seaside. This would require that Seaside's stormwater infrastructure have the ability to handle the flow. Staff would review the stormwater plans to ensure that it is engineered correctly and meets stormwater requirements.

Staff discourages further intrusion of Seaside into Sand City's jurisdiction; however, temporary parking is a reasonable use provided that it does not pose a blighting influence. If the City Council decides to grant the applicant's request for permits, Staff recommends the following terms be

included as conditions of permit approval: permits shall be for an initial 2 year period to expire on February 17, 2017, subject to time extensions at the discretion of the Council, the erections of any fence or barrier shall be prohibited, parking stalls shall be striped and be no less than 8.5 feet wide by 19 feet deep, use of the parking area within the railroad right-of-way shall ONLY be for employee parking during business hours, and that any parking, storage, loading/unloading, customer vehicle service/repair, vehicle charging, during non-business hours shall be considered a violation of the permits.

6:23 P.M. Floor opened for Public Comment.

The applicant Mark Wolton owner of the Wayside Building and CL Frost, commented that the business will be leased to Tesla, an eco-friendly company that will utilize the location to super charge their vehicles for 20 minute periods. There will be 7 supercharging stations located at the site. This would bring shoppers and added revenue to the area. The need for additional parking is a must, and TAMC has been approached for the use of land located on their property. He reported that they will be adding more property for parking that will be utilized for the employees. The area will be upgraded and cleaned of debris and graffiti. Mr. Wolton commented that he has reviewed the permits and agrees with their conditions.

In response to Mayor Pendergrass' question whether the applicant has contacted the City of Seaside regarding the property that runs along their right of way, Mr. Wolton responded that he has contacted the City of Seaside.

There was discussion regarding use of all adjacent properties, what activities will be conducted within the building, the location of the supercharging stations, adequate coverage of Mr. Wolton's liability insurance, and accessibility to the shopping center.

Katherine Gaine, Realtor and Listing Agent of the building, commented that Tesla is not the average car dealership. They are a high end company of electric vehicles with consumers that have annual income levels of over \$100,000 or more. Many people in the Peninsula have expressed their excitement that Tesla will be coming to the area. The company attracts consumers from diverse backgrounds, ethnicity, and different walks of life. Tesla owner Elan Musk is a brilliant man who manufactures solar homes and electric vehicles for other countries. She is supportive of the properties use, and directly contacted Mr. Musk to look at the property. The location is close to the highway and a perfect site for this type of business. Tesla would also draw more high end retailers to the area. She encouraged the Council to search online or view YouTube video's on Tesla products.

6:35 P.M. Floor closed to Public Comment.

Mayor Pendergrass commented on issues regarding the railroad-right-of way, the various businesses that have intruded into the right-of-way, and their unpermitted uses. He expressed his concern in allowing the permitting of uses along the railroad-right-of way, and was not in support of the proposed use.

Council Member Kruper commented that for the temporary use the applicant is proposing, it may help to improve the aesthetics in the area, and expressed his support of the applicants use.

Council Member Blackwelder added that the application is for a temporary use. The railroad-right-of way contains older decrepit buildings, and any improvement to the area would provide some visual appeal.

Council Member Hubler remarked that the proposed use may be of benefit to the City, and agreed with Council Member Blackwelder that it is a temporary permit, and sees no harm in its approval.

Vice Mayor Carbone remarked that there will be semi-trucks making deliveries along Del Monte, and the temporary parking would not benefit the City positively. Staff had performed due diligence and discourages the intrusion of Seaside businesses into Sand City's jurisdiction, and expressed that she was not in support of the project.

Associate Planner Charles Pooler clarified that the storage yard permits were temporary, originally approved for 2 years, and renewed every 2 years. There has been no indication from TAMC to install the railroad right-of-way in the near future, or the City of Seaside's proposed bike trail path. Should TAMC and Seaside move forward with plans for the railroad right-of-way, then the permits would be terminated to make space for the activities. Two years goes by fast, the applicant may be at 2 years and would like a time extension on their permits. He asked the applicant should the permits terminate and 2 year time extensions were not granted, what does that do to Tesla?

The applicant, Mark Wolton replied that he does not have a definitive answer; however, Tesla is willing to work within the permit conditions, and would appreciate the extra parking. In response to Council Member Kruper's question regarding deliveries along Del Monte Boulevard, Mr. Wolton responded that the cars will be delivered via a flatbed bobtail truck.

Associate Planner Pooler suggested changes to permit conditions 2 & 5 be amended to reflect the correct amount of square footage and linear area. Staff recommends approval of the permits with the suggested amendments.

Motion to approve the City **Resolution** as amended, approving Conditional Use Permit 586, Coastal Development Permit 15-01, and Site

Plan 15-01 to Mark Woltmon authorizing a Temporary Parking Area within a Specific Segment of the Railroad Right-of-Way was made by Council Member Kruper, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Hubler, Kruper. NOES: Council Members Carbone, Pendergrass. ABSENT: None. ABSTAIN: None. Motion carried.

{Council Member Hubler and Kruper stepped down from the dais due to a possible conflict by residing within 500' of the subject area}

B. Consideration of City Resolution approving Conditional Use Permit 587 Authorizing a Plumbing Contractor at 1738 Hickory Street

Associate Planner Charles Pooler presented an application submitted by Dave Warren of Precision Plumbing and Heating to occupy a 1,020 square foot unit at 1738 Hickory Street for office and inventory storage of a plumbing contractor business. The unit is within a mixed-use building with two commercial units on the ground floor and two residential units on the upper floor. There will be two office employees at the site during daytime business hours. There are eight field employees and seven company vehicles. The applicant's employees will bring home the vehicles during "off-hours". Company trucks will only be at the shop 2 to 3 times per week. The site provides five unstriped parking spaces for a service commercial use. The entire property is considered to be an existing non-conforming site in regards to satisfying parking requirements. The zoning Ordinance Section 18.04.380 defines "non-conforming" as: "*a building, structure, or premises legally existing and/or used at the time of adoption of the ordinance codified in this title...which is not in full conformity with the use regulations of the district in which the same is located; provided, however, that a use shall not be considered a non-conforming use solely on the basis of an inadequate number of parking spaces*". An issue commonly associated with contractor/businesses on small properties is the potential for overflow parking into public streets.

In order for the applicants proposed use to operate at the subject property without imposing blight or a parking nuisance, Staff recommends that the use permit contain restrictions to include company vehicles and/or service trucks are not to be parked on-site, or on any City street during non-business hours, no more than two company vehicles may visit the subject property at any one time, the applicant shall be responsible for managing arrivals and departures of company vehicles, loading/unloading activities shall not occur within City streets nor interfere with traffic circulation on public streets, and should deliveries require the use of a semi-truck, that those activities occur within the Redwood Avenue right-of-way for a period not to exceed 1 hour. Staff recommends approval of the attached conditional use permit with the recommended restrictions regarding parking and loading/unloading activities as mentioned.

7:00 P.M. Floor opened for Public Comment.

The applicant, Mr. Dave Warren commented that as owner of Precision Plumbing and Heating he would appreciate the approval of the permit. He is a small business with 8 employees. The unit would primarily serve as a storage facility for the business and is not service based. Sand City would be an ideal location for his business since it is centrally located. His employees would not report to the shop at the same time during business hours.

There was Council discussion regarding business hours, how many employees will frequent the shop/storage to pick up materials, and sensitivity to surrounding residential uses.

The Mayor asked the applicant if he was in agreement with the conditions of the use permit. The applicant, Mr. Warren responded that he was in agreement with permit conditions.

7:08 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** by title, approving Conditional Use Permit 587 Authorizing a Plumbing Contractor at 1738 Hickory Street was made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Hubler, Kruper. Motion carried.

{Council Members Hubler and Kruper returned to the dais}

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 the desalination plant produced 13.79 acre-feet for the month of February. Low production was due to work on plant components. The plant was offline February 3-11 while Cal-Am performed a clean-in-place procedure on the reverse osmosis (RO) train A, and February 11-12 due to work on the energy recovery devices. Erin Ver Hage, a CSUMB student presented the GIS pilot project at the February 25, 2015 Monterey Regional Stormwater Management Program meeting. The GIS project mapped several jurisdictions' storm drainage systems. This data may be provided to AMBAG as part of the City's mapping effort required under the Phase 2 Stormwater Permit. If the City is interested, Mrs. Ver Hage can attend a future Council meeting to present the results of the project. On February 18th the Stormwater Inspection and Maintenance Services (SWIMS) performed inspection and maintenance to the infiltration percolation systems located in the Sand Dollar and Edgewater Shopping Centers. Documentation of this service

will be used for the City's annual report. The Bungalows at East Dunes Phase 1 project construction is progressing. On February 27th there was an issue with installation of a sewer manhole on Sylvan Avenue near Ocean Avenue, where twin CATV conduits were found at the location of the sewer manhole. The contractor was instructed to stop work until the utility provider Cablecom reviewed the photos provided by the developer and City Engineer, and accepted construction of the sewer manhole over the conduit with several inches of separation.

City Engineer Leon Gomez provided an explanation to the Council regarding the depth of the manhole, and its relation to the buried conduits. Review comments were provided to the Orchard Supply Hardware's (OSH) Operations & Maintenance Plan for stormwater facilities. A final stormwater maintenance agreement was forwarded to OSH for their review. A post-storm site visit was also conducted at both the OSH and Bunaglows projects on Sunday, February 8th. Both projects were well maintained with minor debris and/or sediment at the sites.

There was Council discussion regarding the outfall located around the surrounding neighborhood at the Bungalows project and the sand located around the habitat area.

City Administrator Todd Bodem commented on the memo emailed to the Council regarding additional information on the MBASIA amended Joint Powers Agreement.

Associate Planner Pooler commented that GreenWaste Recovery has informed him that their web page is updated with information on each City's refuse pick-up and the transition that will be taking place between GreenWaste and Waste Management.

AGENDA ITEM 10, NEW BUSINESS

A. Consideration of City Resolution accepting the Offer to Dedicate Conservation Easement for the Sand Dollar Shopping Center Habitat Preserve (APN 011-011-031)

Associate Planner Charles Pooler reported that Staff was contacted by the California Coastal Commission regard whether Sand City wished to accept the offer to dedicate conservation easement for the Sand Dollar Shopping Center's habitat preserve area. In 1994, a conservation easement was recorded with the Monterey County Recorder's office on April 19th, and after a 21 year period, Sand City has the right to accept this easement. If the City declines, an outside agency may accept the easement. Should the City accept the easement, it would exclude other public agencies or interests from gaining management control over this area. The recording of acceptance must be completed by April 18, 2015 which is the last day of the 21-year period specified in the Conservation Easement. Staff recommends that the Council approve the attached

resolution and accept the offer to dedicate conservation easement.

City Attorney Jim Heisinger expressed his agreement with Staff's recommendation. He referred to page 100 of the agenda packet that states the beginning of the offer to dedicate. On page 102, Article II refers to "grantor" who is responsible for all cost, expenses for maintenance and improvement for the use of habitat area. By accepting this easement, the City would have the right to approach the property manager (grantor) to maintain the area, and the City would have more legal rights to inform the grantor what actions are necessary to maintain the area. Mr. Heisinger suggested an amendment be made to the resolution and that the following language be added to the last paragraph: *"and the City Administrator is hereby authorized and directed to execute and record a Certificate of Acceptance of the Conservation Easement"*.

Motion to approve the City **Resolution** by title, as amended accepting the Offer to Dedicate Conservation Easement for the Sand Dollar Shopping Center Habitat Preserve (APN 011-011-031) was made by Council Member Carbone, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

B. Comments by Council Members on Meetings and Items of interest to Sand City

Council Member Blackwelder summarized the process of the Police Chief interviews that included a presentation in the role of a police chief, a written assessment, the organization and simulation of a neighborhood meeting, and enactment of an employee issue. The City's HR Consultant, LaTonya Olivier provided insight and challenge to the candidates by asking significant questions. These scenario's assisted the Personnel Committee in evaluating the candidates based on their presentation. There was a consensus of the Personnel Committee to refer the primary candidate to the City Council. This individual is very well rounded, organized and highly experienced. The second candidate has all the qualifications as well, although he may lack the experience the Committee is seeking. The next process will be to conduct background checks.

City Administrator Todd Bodem added that the Personnel Committee was unanimous in their choice of the number one candidate for the position. He does have a pending employment offer from another City, although he would prefer to work for Sand City. It should take 4-6 weeks to complete the process of an initial interview, background checks, and employment package.

City Attorney Jim Heisinger recommended a Special meeting of the Council to meet and greet the candidate. He further suggested that at the next regular Council meeting (March 17) the Council discuss terms of employment under Closed Session and direct the City Administrator to

extend an employment offer to the candidate. At the April 7, 2015 Council meeting, the Council would need to take action on a contract. Mayor Pendergrass suggested that Staff coordinate a Special Council meeting within the next week before the next Council meeting to meet and greet the candidate, and to move forward with the City Attorney's recommendations. There was consensus of the Council to move forward as proposed.

Mayor Pendergrass requested that Staff draft a letter to Chief Calhoun of the City of Carmel thanking him for his time and availability to serve as an interviewee on the Personnel Committee.

Council Member Hubler commented that the Community Palette event scheduled on March 6, 2015 begins at 12:00 pm and will be held at the Independent. There will be food, entertainment, dancers, a fashion show, and interactive events and entertainment for children. There is a suggested admission charge of \$10 that will be by donation only.

Vice Mayor Carbone commented that she is organizing a Beach Clean-up on Saturday, March 7, 2015 at 10:00 am. Genesis House will be volunteering for the event and encouraged the Council to attend. The Monterey County Commission on the Status of Women selection committee met last Saturday to choose and pick this year's Outstanding Women.

Mayor Pendergrass commented on the FORA Groundbreaking Ceremony for the new California Central Coast Veterans Cemetery project that has finally come to fruition after 20 years of planning. It will be held on Friday, March 13th at 10:30 a.m. at the General Stillwell Center, 4260 Gigling Road. He encouraged the Council to attend.

Council Member Kruper reported that the MCCVB held a meeting and distributed their advocacy policy. The Board would act in an educational capacity when engaging in the political arena. The City provided them current information regarding the Monterey Bay Shores Project. The MCCVB will be the moving force behind the new convention center planned renovations. The West End Celebration Committee also met to discuss the budget, police department overtime expenses, and other costs effective measures to save money. The application for the 2015 West End Celebration is now available on-line. There was also discussion regarding the expense of contribution funds and whether to contribute to a worthy cause. The Water Board meeting consisted of discussions regarding the distribution of funds, and which projects will be paid back.

C. Upcoming Meetings/Events

The Mayor reminded the Council of MPCC's 107th Annual Awards Dinner. The City Clerk reminded the Council of the MCBC luncheon and confirmed RSVP's.

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 Kruper, seconded by Council Member Blackwelder, to the next regularly scheduled Council meeting on Tuesday, March 17, 2015 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 7:58 p.m.

Linda K. Scholink, City Clerk