

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

Regular Meeting – March 15, 2016
5:30 P.M.
CITY COUNCIL CHAMBERS

Mayor Pendergrass opened the meeting at 5:30 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
Connie Horca, Deputy City Clerk
Charles Pooler, Associate Planner

AGENDA ITEM 4, COMMUNICATIONS

A. Written communication distributed to the Council was the City Administrators report.

B. Oral

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

There was no comment from the Public.

5:32 P.M. Floor closed to Public Comment.

AGENDA ITEM 5, CONSENT CALENDAR

{Council Member Kruper abstained from voting due to a conflict with Item 5A(4), his live/work use permit}

- 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 #483, Colton Heating (contractor), 431 Ortiz Avenue
 - (2) CUP #482, Macaluso Electric (contractor), 551 Redwood Avenue
 - (3) CUP #517, Monterey Bay diving (storage), 625-C California Avenue
 - (4) CUP #538, Todd Kruper (live-work), 637-A Ortiz Avenue
 - (5) CUP #560/CDP #13-03, Iron Republic (gym), 1807 Contra Costa
 - (6) CUP #579, Jill Kahlow, (manufacture) 337-B Olympia Avenue
 - (7) CUP #580/CDP 14-02, Ashley Denning (hair salon), 490-C Orange Avenue
- B. There was no discussion of the Police Department Monthly Activity Report, February 2016.
- C. There was no discussion of the Public Works Monthly Report, February 2016.
- D. There was no discussion of the Sand City Sales Tax Update, Third Quarter (July – September 2015).

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

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled from the Consent Calendar.

AGENDA ITEM 7, PUBLIC HEARINGS

- A. **Consideration of Sand City RESOLUTIONS regarding Housing Element Update**
- 1) City RESOLUTION Adopting a Negative Declaration regarding the 2014 - 2023 Housing Element Update of the Sand City General Plan**
 - 2) City RESOLUTION Adopting the 2014-2023 Housing Element Update of the Sand City General Plan**

Associate Planner Charles Pooler reported that the Housing Element is just one of seven mandated elements of a General Plan. The Housing Element establishes policies and programs to address housing needs for all economic segments of the community. State law requires that local jurisdictions update their Housing Element once every 8 years. Modifications to existing and new added programs were primarily based

on changes in laws, requirements by the Housing & Community Development (HCD), and the loss of redevelopment agency law. A letter from HCD confirms that the draft Element meets the statutory requirements of State housing element law and will be in compliance once the Housing Element is adopted by the City. An Environmental Initial Study was prepared that analyzed the potential impacts the Housing Element could have on the environment. The Initial Study identified no significant impacts; therefore, a Negative Declaration was prepared. Staff recommends the Council approve the resolutions adopting a Negative Declaration regarding the Housing Element Update and the 2014-2023 Housing Element.

EMC Planning Group representative Richard James commented that the South of Tioga Redevelopment Project and East Dunes are the key elements of the housing element that will be looked at for mixed-use developments. Another key element was the site identified for the homeless. Due to the Salvation Army's location within the City, the actual homeless population identified was what is reported through the police department's numbers.

5:40 P.M. Floor opened for Public Comment.

There was no comment from the Public.

5:40 P.M. Floor closed to Public Comment.

City Administrator Todd Bodem mentioned a correction to page 31, second paragraph that indicated Sand City as a General City. This will need to be changed to Charter City. Mr. James provided clarification to Council Member Blackwelder regarding building mandates required by the Housing and Community Development Department (HCD). Mayor Pendergrass pointed out on page 17 that the City is not responsible for the housing units, but only needs to show the ability to accommodate and/or facilitate the development of the specified allocation through its zoning regulations.

- 1) Motion to approve the City **Resolution** adopting a Negative Declaration regarding the 2014-2023 Housing Element Update of the Sand City General Plan 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.
- 2) Motion to approve the City **Resolution, as corrected**, adopting the 2014-2023 Housing Element Update of the Sand City General Plan was made by Council Member Hubler, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

{Vice Mayor Carbone stepped down from the dais due to a possible conflict of interest by residing within 500' of the subject property}

B. Consideration of City RESOLUTION to Deny Issuance of a Coastal Development Permit and Site Plan Permit to Mark Hyles for Developing a Single Family Residential Dwelling on a 25-Foot Wide Lot at 1843 Park Avenue (APN 011-181-029)

Associate Planner Charles Pooler commented that at the March 1st City Council meeting, a public hearing was held to consider an application by Mark Hyles to develop a residential single family dwelling at 1843 Park Avenue. The project had a number of design issues. It was the City Council's consensus at the March 1st meeting, to deny the project and for Staff to come forth with a resolution of denial for consideration.

5:44 P.M. Floor opened for Public Comment.

There was no comment from the Public.

5:44 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** to Deny Issuance of a Coastal Development Permit and Site Plan Permit to Mark Hyles for Developing a Single Family Residential Dwelling on a 25-Foot Wide Lot at 1843 Park Avenue (APN 011-181-029) was made by Council Member Blackwelder, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Hubler, Kruper, Pendergrass. NOES: None. ASBENT: None. ABSTAIN: Council Member Carbone. Motion carried.

{Vice Mayor Carbone returned to the dais}

C. Consideration of City RESOLUTION Authorizing the Inclusion of Properties within Sand City's Jurisdiction into the California Hero Program to Finance Distributed Generation Improvements, and Electric Vehicle Charging Infrastructure and also Approving the Amendment of the Western Riverside Council of Governments Joint Powers Agreement to include Sand City as an Associate Member for the Operation and Administration of the California Hero Program

Associate Planner Charles Pooler reported that the California HERO Program is the largest recognized Property Assessed Clean Energy (PACE) financing program. Jurisdictions need only approve an amendment of the joint exercise powers agreement related to the California HERO Program to begin the process. A property owner's participation in the Program is 100% voluntary; and allows owners of properties to finance the installation of renewable energy, energy and water efficiency improvements, and electric vehicle charging infrastructure. The improvements would be financed through the issuance

of bonds via the Western Riverside Council of Governments (WRCOG), secured by a voluntary contractual assessment levied on property where improvements are installed. Property owners that wish to participate agree to repay through the voluntary assessment collected with their property taxes. Staff recommends the City Council approve the Resolution authoring the inclusion of properties within Sand City into the California HERO Program and approve an amendment to the WRCOG Joint Powers Association to add Sand City as an Associate Member.

Leah Rowell reported that HERO stands for Home Energy Renovation Opportunity. The program allows property owners to make energy or water efficiency improvements to their homes which is repaid through their property taxes. It benefits communities through job growth with the areas involved in the program. The Council of Governments (COG) is also involved with the program. The program is meant to provide constituents another option to make energy efficiency improvements to their homes. Several other cities such as Pacific Grove, Carmel, and Monterey have joined the program.

Motion to approve the City **Resolution by title**, authorizing the Inclusion of Properties within Sand City's Jurisdiction into the California Hero Program to Finance Distributed Generation Improvements, and Electric Vehicle Charging Infrastructure and also Approving the Amendment of the Western Riverside Council of Governments Joint Powers Agreement to include Sand City as an Associate Member for the Operation and Administration of the California HERO Program was made by Council Member Kruper, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 8, 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 Administrator Todd Bodem reported that the desalination plant should resume operations sometime this week. The wells salinity levels were tested and have dropped to levels that may allow for the plant to start again.

City Engineer Leon Gomez reported that the well destruction for Tioga well #3 has been completed. The well was filled with cement last week and cut to 5 feet below grade this week. Staff has reviewed and provided comments on the letter prepared by Hydrometrics entitled, "Draft Hydrogeology Response to the CCC notice of incomplete CDP. Additional data for wells within Sand City is being gathered for Hydrometrics for

information they need to improve the groundwater model.

Staff discussed local City responsibilities pertaining to enforcement of projects covered by the California Construction General Permit with CCRWQCB staff, who indicated that local agencies are still responsible for storm water pollution prevention. A permit for preliminary grading and site preparation was issued to the developer for the Monterey Bay Shores Project. Staff will be reviewing project construction plans regarding traffic circulation to assess impacts to traffic during construction. Updated exhibits have been provided to the Associate Planner for circulation to residents and business owners along Hickory Street for the street improvement project. A staff meeting was held with the Police Chief and City Administrator to discuss a resident's concerns of the uneven sidewalk along the 700 block of Dias Street. A meeting with the property owner will be scheduled to discuss a cost-share solution for installation of a new sidewalk. Proposals from geotechnical engineering firms for infiltration/percolation testing is being reviewed regarding the Bay Street Inlet. Testing will occur at both Bay Avenue and at the Hickory Street project sites.

City Administrator Todd Bodem reported on the status of the City's website update, with the possibility of Council review at a future meeting. The Transportation Agency of Monterey County (TAMC) will be holding a meeting to discuss reprogramming of funds towards the City's street improvement project.

AGENDA ITEM 9, NEW BUSINESS

A. Consideration of Sand City Donation to the Sand City Chamber of Commerce

Jim Vossen, General Manager of the Sand City Chamber of Commerce reported on the various website pages that were currently being developed as part of Sand City's Chamber of Commerce website. These websites were created to promote the City's business community. Mr. Vossen provided a list of several website names to the Council and briefly explained each of their primary functions, how it would benefit the City, and provide general information to the public. He also reported on site traffic of the SandCityChamber.com website since January 2016. Mr. Vossen requested that the Council consider an annual contribution of \$5,000 towards the Sand City Chamber of Commerce so that it may continue its operations and improve its web site presence.

There was Council discussion regarding the contribution amount, combining the number of websites to a few, simplifying the search for the public, and the possibility of making improvements to promote the shopping center.

Mayor Pendergrass commented that the Sand City Chamber has

improved over the years, is continuing to show growth with a great opportunity to have a more visible web presence, and would like the City to continue its membership.

Mayor Pendergrass motioned that a resolution to continue membership for a contribution amount of \$2,500 be presented at the next Council meeting. The motion was seconded by Vice Mayor Carbone. There was consensus of the Council that a resolution be prepared for an annual contribution amount of \$2,500 to the Sand City Chamber of Commerce.

B. Consideration of City RESOLUTION Authorizing the City Administrator to Execute a Professional Services Agreement with EMC Planning Group to Pay the Costs for Development of a Sand City Vibrancy Plan

City Administrator Todd Bodem reported that Staff met with members of EMC Planning Group to develop a Vibrancy Plan for the City. The costs associated with the development of the plan was brought before the Budget Committee at their last meeting. The attached spreadsheet demonstrates the cost and tasks that will be performed by EMC staff. The Budget Committee recommended that approval to move forward be brought to the Council for their consideration.

Council Member Blackwelder added that the Vibrancy Plan is a document on how Sand City's downtown district can be developed and that it provides a comprehensive plan towards future development that will include artist, businesses, and residents. It would also provide economic consultants the ability to focus on the availability of useable land.

There was Council discussion regarding the benefits of having a Vibrancy Plan, how it would keep the City focused on contracting the scope of work involved, and how the plan would be utilized as a road map on how the City would achieve its goals.

Motion to approve the City **Resolution by title**, authorizing the City Administrator to Execute a Professional Services Agreement with EMC Planning Group to Pay the Costs for Development of a Sand City Vibrancy Plan 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.

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

Council Member Hubler reported on the upcoming Juried Art Show that will be held to coincide with this year's West End Celebration, and on the May events that would include a Springtime Art Sale and Open Studios Tour.

Vice Mayor Carbone reported that Community Human Services held their 10th Annual Ball and raised \$4,000 dollars in donations. The Monterey County Commission on the Status of Women will be holding their annual awards ceremony from 2:00pm – 4:00pm at the Monterey Institute of International Studies to recognize women who have made an impact and contribution to the Monterey County.

D. Upcoming Meetings/Events

There were no RSVP's from the Council.

AGENDA ITEM 10, CLOSED SESSION

7:07 P.M.

A. City Council /Agency Board to adjourn to Closed Session:

1) To confer with Legal Counsel regarding pending litigation in accordance with Government Code Section 54956.9(d)(1):

- a) Monterey Peninsula Water Management v. State Water Resources Control Board (No. M102101), and related cases*
- b) Seaside v. Sand City (No. M120996) and related cross action*
- c) Seaside v. Sand City (King Ventures) (No. M126354)*

B. Public Employee Performance Evaluation pursuant to Section 54957(b)(1) of the Ralph M. Brown Act, position: City Administrator

7:21 P.M.

C. Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with 54957.1 of the Ralph M. Brown Act

The City Council received a report from the City Attorney. Direction was given to the City Attorney regarding item 10A1(c). There was a review and evaluation from the last Council meeting regarding item 10B.

AGENDA ITEM 11, ADJOURNMENT

There was consensus of the City Council to adjourn the meeting to the next regularly scheduled Council meeting on Tuesday, April 5, 2016 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 7:22 p.m.

Connie Horca, Deputy City Clerk