

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

Regular Meeting – April 7, 2015
5:30 P.M.
CITY COUNCIL CHAMBERS

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

The invocation was led by Reverend 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
Charles Pooler, Associate Planner
Connie Horca, Deputy City Clerk

AGENDA ITEM 4, COMMUNICATIONS

A. There was no written communication distributed to the Council.

B. Oral

5:31 p.m. Floor opened for Public Comment.

There was no comment from the Public.

5:31 p.m. Floor closed to Public Comment.

AGENDA ITEM 5, CONSENT CALENDAR

A. There was no discussion of the March 17, 2015 Council Meeting Minutes.

B. There was no discussion of the City/Successor Agency Monthly Financial

Report, February 2015.

- C. There was no discussion of the Fort Ord Reuse Authority (FORA) Board Report, March 2015.
- D. There was no discussion of the City **Resolution** opposing Proposed Amendments to the Monterey County General Plan to Implement Settlement of Litigation Initiation by Landwatch and the Open Monterey Project.
- E. There was no discussion of the City Donation/Contribution to the Village Project, Inc. for \$100 and Monterey County Food Bank for \$500.

Motion to approve the Consent Calendar 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 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 Secretary/Treasurer Jim Vossen on Status and Update of the Sand City Chamber and Possible Request for Funding (10 minutes)**

Sand City Chamber Secretary/Treasurer Jim Vossen reported that since his presentation at a previous Council meeting, the Chamber is presently developing a website: www.SandCityChannel.com that will host local Sand City businesses who are paid chamber members. These video's will be 3-5 minutes in length, will feature what the businesses do, can be placed on YouTube, and contain a link that can be placed on their website for email purposes. Mr. Vossen briefly summarized the idea of other websites the Chamber is currently working on such as the MontereyArtsChannel.com that will feature music, dance, sculptors, and other various forms of art. The MontereyCarChannel.com is a destination site for those looking for automotive related businesses such as auto repair, mechanics, upholsterers, auto glass, and specialty shops. A new site the Chamber is developing is MontereyCountyEvents.com that will contain a link to the 2015 West End Celebration as well as to other local events within the Peninsula. Members of the Seaside/SandCity/Del Rey Oaks Chambers of Commerce include Cal-Am, Monterey County Herald, the Panetta Institute, MST, Monterey Regional Airport, MPRWD, Monterey Parks District, and Orchard Supply Hardware. The Chambers will be hosting a grand re-opening for OSH on April 18, 2015 at 6:30 a.m., and

extended an invitation to the Council. Mr. Vossen's goal is to double the Sand City Chamber's membership by the end of the year, and he requested the Council consider funding the Chambers for \$3,000 for the fiscal year. The Chamber also offers free business counselling for existing small businesses, and for those who desire to start a new business.

Mayor Pendergrass commented that Mr. Vossen is experienced in the field of radio and television. The Chamber is supportive of local Sand City businesses, and would like to place Mr. Vossen's request for funding on the April 21, 2015 agenda.

Vice Mayor Carbone commended Mr. Vossen for his great idea in helping to promote Sand City's local businesses.

Council Member Kruper requested that Mr. Vossen provide the Council a list of the websites and demographic contacts.

Mr. Vossen thanked the Council for their support of the Chamber.

AGENDA ITEM 8, PUBLIC HEARING

A. Consideration of City Resolution approving Conditional Use Permit 588 Authorizing Vehicle Storage for a Towing Company within a Building at 856 Fir Avenue

Associate Planner Charles Pooler presented an application submitted by Adriene Vargas representing Advanced Towing for approval to use an existing 2,680 square foot commercial building at 856 Fir Avenue for storage of towed vehicles. The commercial building is divided into two units, one of which is occupied by Fashion Streaks. Vehicle storage is intended to be within the building. There will be no mechanical or body work on the premises, and should prohibit any repair/maintenance activities on the subject property. Office hours are intended to be from 8:00 a.m. to 5 p.m. daily. Vehicle drop-offs will be on a 24-hour, 7-day per week, on call rotational schedule. The applicant's use requires three off-street parking spaces. The property contains eleven spaces along the frontage and meets parking requirements for the proposed use. Storage of towed vehicles should be maintained within the building; however, a limit of one tow truck using the frontage parking area during daytime business hours is reasonable and should be allowed. Potential impacts could include noise from the drop-off of vehicles and blight from vehicles stored outside the unit. Considering the distance from the East Dunes residential area, most of the noise should be screened or dissipate prior to causing a nuisance. The permit should prohibit the applicant's towed vehicles from utilizing the dirt road between Fir and East Avenue's to minimize potential noise impacts upon residential dwellings within the East Dunes. The applicant is aware that the subject property is within the South of Tioga planning district targeted for future development, and that their

application is being considered as an interim use until development is ready to proceed. In previous years, the City Council issued permits within this District as interim uses with permit termination dates. Staff recommends the permit for this applicant include a similar termination clause with a termination date of one year, to April 30, 2016, with the option of 90-day time extensions thereafter until the area is ready for new development. The Fire Department commented that the applicant is required to submit a plan indicating the occupancy classification, construction type, and occupancy separation between the occupancies, and other construction related details. Staff recommends approval of the conditional use permit with the recommended conditions/restrictions.

5:58 P.M. Floor opened to Public Comment.

On behalf of the applicant, Andrew Perez commented that Advanced Towing was formerly located in Sand City. They are relocating due to the property owners increasing the rent at their current location. In response to Council Member Kruper's question whether they tow vehicles only for the City of Monterey and Seaside, Mr. Perez replied that they primarily tow for police departments and for the Monterey County Sheriff's Department.

There was discussion regarding the noise generated from the beepers of the tow truck, and the Fire Departments occupancy concerns. Staff confirmed that the use permit's language includes the parking of a tow truck only during business hours for the drop-off of towed vehicles.

In response to Council Member Kruper's question regarding who would be responsible for policing the vehicles should the building be locked and the vehicles left outside, Mr. Pooler replied that the police department does not issue citations in violation of the use permit. He would be notified, and Staff would then notify the applicant that they are in violation of their use permit.

Mr. Perez commented that the agreements they have with the police departments does not allow any vehicles to be stored outside of the building. The Mayor asked Mr. Perez if he was in agreement with the conditions of the permit. Mr. Perez replied that he was in agreement with permit conditions.

6:02 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** by title, approving Conditional Use Permit 588 authorizing vehicle storage for a towing company within a Building at 856 Fir Avenue 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.

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 28.7 acre feet of water for the month of March 2015. The City Engineer and Associate Planner met with AMBAG on Monday, April 6 to discuss stormwater mapping and municipal support services. As part of the City's membership, the City receives 10 support hours from AMBAG and staff will be working with AMBAG to develop a web portal for the City. The web portal will include elements such as: GIS mapping of stormwater infrastructure, urban land uses, parcel lines, watersheds, aerial images and terrain information and will serve as a resource for project design, developers, and design professionals. It will also help the City meet certain stormwater program mapping requirements that are due by June 30, 2015.

Construction of curb, gutter, and sidewalk along Park, Fell, and Sylvan Avenues will occur this week for the Bungalows Project. Staff is waiting for input from the developer's soils engineer in order to determine the level of rehabilitation/repaving that will need to take place. The developer was issued an extension to May 15, 2015 for the encroachment permit issued for Phase I of the Bungalows Project. The stormwater maintenance agreement for the Orchard Supply renovation project was executed by the City Engineer and City Attorney, and forwarded to the property owner for final execution and recordation. Several site visits during construction of the bio-retention planter area were conducted in order to verify construction per the approved plans. Staff had also received a request from Haro and Kasunich, Geotechnical Engineers, and King Ventures to perform an updated coastal topographic survey of the Collections at Monterey Bay project site.

Chief Klein reported that a sink hole was detected at the Public Works corporation yard that may be due to a leak from the desalination plant or possibly from the main sewer line. Mr. Gomez commented that he will contact the representative at the desalination plant who conducts the monthly production report to follow up with the issue. Staff was informed that any leak would be detectable from the plant's operations room.

Associate Planner Charles Pooler reported that the City newsletters were mailed out this week. Four hundred copies were printed and distributed to residents and businesses. A draft 'critter' ordinance (regarding the feeding of wildlife) was drafted and will be reviewed by the Public Safety Committee at their meeting next week. An update to the City's subdivision ordinance to grant more authority to the City Engineer on approval of final

maps has been drafted, and will be reviewed by the City Attorney. The water credits for the Bungalows Project, lots 1-7 have been recorded with the County. The water assignment agreements have been signed. Mr. Silva has contacted the Water District to pull a water permit for the first house, and is working on obtaining other necessary permits before he can move forward with construction.

The Mayor commended Mr. Pooler for the good job he did on producing the City newsletter. He also reported that the King Ventures project will be heard by the Coastal Commission on Thursday, April 16, 2015. The Coastal Commission is recommending denial. The City Attorney requested that Staff contact Mike Watson of the Coastal Commission to find out whether the hearing will be continued.

AGENDA ITEM 10, NEW BUSINESS

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

Council Member Hubler reported that the Arts Committee will be holding a strategic planning session next week at their next regularly scheduled Arts Committee meeting.

Chief Klein commented on the homeless beach encampments at the request of Mayor Pendergrass. The police officers are continually policing the beach area. It is an ongoing problem as new homeless encampments come in. The homeless travel back and forth from one jurisdiction to another. It was suggested that the cities formulate a strategy in finding a resolution to this issue that would involve the cooperation of all jurisdictions.

B. Upcoming Meetings/Events

There were no RSVP's from the Council

AGENDA ITEM 11, CLOSED SESSION

6:22 P.M.

A. The City Council/Agency Board adjourned 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**

8:00 P.M.

- C. **The Council re-adjourned 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 Council received a report from the City Attorney with regards to items 11A(1a-c) and discussed the public performance evaluation in regards to the City Administrator position (item 11B).

AGENDA ITEM 12, ADJOURNMENT

There was consensus of the Council to adjourn the meeting at 8:01 p.m. to the next regularly scheduled Council meeting on April 21, 2015 at 5:30 P.M.

Connie Horca, Deputy City Clerk