

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

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Regular Meeting – May 3, 2016  
5:30 P.M.  
CITY COUNCIL CHAMBERS

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Mayor Pendergrass opened the meeting at 5:31 P.M.

The invocation was led by Reverend Ron Mason.

The Pledge of Allegiance was led by Sergeant Vito Graziano.

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

Staff: Todd Bodem, City Administrator  
Syndey Morris, Acting City Attorney  
Leon Gomez, City Engineer  
Brian Ferrante, Police Chief  
Connie Horca, Deputy City Clerk

**AGENDA ITEM 4, COMMUNICATIONS**

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

B. Oral

5:33 P.M. Floor opened for Public Comment.

There was no comment from the Public.

5:33 P.M. Floor closed to Public Comment.

**AGENDA ITEM 5, CONSENT CALENDAR**

A. There was no discussion of the April 5, 2016 Council Meeting Minutes.

B. There was no discussion of the April 19, 2016 Council Meeting Minutes.

- C. There was no discussion of the City/Successor Agency Treasury Report, March 31, 2016.
- D. There was no discussion of the City/Successor Agency Monthly Financial Report, March 2016.

Motion to approve the Consent Calendar items 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.

## **AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR**

There were no items pulled from the Consent Calendar.

## **AGENDA ITEM 7, PUBLIC HEARING**

- A. Consideration of City RESOLUTION approving Conditional Use Permit 598 for Gachina Landscape Management authorizing use of an Existing Commercial Building and Storage Yard at 873 Fir Avenue as an Interim Use until New Development of the South of Tioga Area Commences**

City Administrator Todd Bodem reported that an application was submitted by Gachina Landscape Management, Inc. for a conditional use permit to utilize a commercial property for office and storage at 873 Fir Avenue. The existing building provides a 253 square foot office space, two open bays for parking/storage. The property is fenced, but not screened. The local manager will utilize the subject property to primarily conduct office/administrative work. There will be 4 to 5 employees at this site on a regular basis and field workers will come to the site for small amounts of materials, and/or tools. Intended hours of operation will be 6:30 a.m. to 3:15 p.m. Monday through Friday. No weekend hours were identified. Staff recommends the permit hours of activity within the yard area to occur between the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays, with no operation on Sundays or City holidays. All deliveries/shipments and unloading/loading activities associated with this use should only occur within the aforementioned permitted hours of operation. The subject property requires one off-street parking space for its intended use. The site currently provides (5) five parking spaces along the frontage of the site, with space available inside the gate for additional parking. Staff recommends the permit prohibit the parking of company vehicles, trailers, and equipment on any City streets or within the subject property's frontage during non-business hours.

The property is enclosed by a chain-link fence with no screening (i.e. slats, tarp), with exception of the perpendicular parking along the property frontage. There is currently barb wire along the fence top which staff

recommend be removed to abate its visually blighting appearance. Vinyl slats should be added to the fence to screen the interior yard from public view, and should be a condition of permit approval. Staff recommends the permit require that all storage on the property be within the confines of the building or yard. The proposed office use is not anticipated to impose any detrimental impacts. The use of the yard for storage has the potential of imposing a blighting appearance and since this property's fence is not screened, the permit should prohibit the non-contained or unpacked storage of such items on the property.

The applicant was informed by staff that the subject property is located within the South of Tioga Planning District targeted for future development, and that this application is being considered only as an interim use until such time as future development is ready to proceed. Staff recommends approval of the conditional use permit as an interim use, to expire on July 31, 2016 with 90-day time extensions thereafter.

The Mayor clarified the hours of operation on page 39, and the need to ensure that commercial establishments within the City continue to recycle non-consumables per requirements by Greenwaste.

5:43 P.M. Floor opened for Public Comment.

Raul Guerrero presenting Gachina Landscaping commented that the business has operated within the area to maintain commercial sites, and the Del Monte Shopping Center. The company needs a location that would allow it to conduct administrative functions as well as the ability for continued growth. The new location would provide Gachina Landscaping this opportunity.

Mr. Guerrero clarified Vice Mayor Carbones question regarding sufficient parking and indicated that operations at the East Avenue yard will continue, and that the Fir Avenue yard would provide additional storage for larger equipment. In response to Council Member Kruper's inquiry regarding waste materials, Mr. Guerrero confirmed that woodwork and green waste is shipped directly to the Marina landfill.

Property Manager Mike Kline commented on the front fence and barbed wire. He is in favor of placing the vinyl slats; however, the neighbor has the same exact fence and barbed wire, and would prefer not to take it down as it provides an added protection feature.

5:48 P.M. Floor closed to Public Comment.

There was Council discussion regarding the current condition of the fence, and whether the permit should be amended referencing the barbed wire. The permit will remain as indicated with no changes.

In response to the Mayor's question whether the applicant was in

agreement with the conditions of the use permit, Mr. Guerrero commented that he was in agreement with permit conditions.

Motion to approve the City **Resolution by title**, approving Conditional Use Permit 598 for Gachina Landscape Management authorizing use of an existing commercial building and storage yard at 873 Fir Avenue as an interim use until new development of the South of Tioga area commences was made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

**B. Consideration of City RESOLUTION approving Conditional Use Permit 600 for Jessica Rodriguez authorizing Conversion of Existing Office Space to a Residential Dwelling at 1663 Catalina Street**

City Administrator Todd Bodem presented an application submitted by Jessica Rodriguez for a conditional use permit (CUP) to convert approximately 1,036 square feet of upper level office space within a commercial building into a residential dwelling at 1663 Catalina Street. Since 2009 Monterey Bay Gymnastics has occupied the building as a commercial recreational business. The conversion would include two bedrooms, a kitchen/dining area, and living and storage area. The project will need to install at minimum fire sprinklers between the floors and a code compliant exit system. The subject property provides 16 on-site perpendicular parking spaces with 7 curbside parking spaces along the properties frontage. The zoning code requires 2 off-street parking spaces for single family and duplex units. The allocation of 2 parking spaces from the commercial use of the property would be at the discretion of the City Council and would require an amendment of Monterey Gymnastic's CUP 498. Occupancy of existing office space as a residential use is not anticipated to pose a public nuisance. There is no bathroom within the designated residential unit. Should future occupants of the residential unit not be associated with the use of the commercial space of the building, then restroom amenities may no longer be accessible to the residential occupant. Staff recommends the permit include a termination clause stating that if one full bathroom is not accessible to the residential unit, then the use permit shall terminate immediately. There is sufficient water credit for the 1,036 square feet office space to accommodate the residential conversion; however, introduction of a clothes washer would push the requirement above the existing on-site credit. The permit should contain the standard language that the approval of the permit does not guarantee the applicant any right or privilege to any allocation of water from the City or other agency.

Staff recommends the use permit for the project include an automatic termination clause in the event that a building permit is not issued for the project within one year, and approval of a conditional use permit, authorizing the conversion of approximately 1,036 square feet of office

area into a residential dwelling be subject to the recommended terms/conditions along with the amendment to the parking requirement of CUP 498 for the gymnastics use.

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

The applicant Jessica Rodriguez commented that she would love to install an upstairs bathroom for the residential unit, and would need to further research how much water would be required and/or allocated for a restroom facility. The gymnastics business has operated in Sand City since 2009 under the direction of Hiroshi, and Ms. Rodriguez expressed her desire to continue to become part of the community, as well as a resident.

There was discussion involving the traffic, safety of the children, and parental concerns regarding cars that drive by too fast.

Property Owner Roy Meadows commented about the traffic impacts, and suggested placing a stop sign on the corner of Orange Avenue and Catalina Street. Ms. Rodriguez has been an excellent tenant and would like to see her as a voting resident of the City as well.

6:03 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution by title**, approving Conditional Use Permit 600 for Jessica Rodriguez Authorizing Conversion of Existing Office Space to a Residential Dwelling at 1663 Catalina Street was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: 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 Engineer Leon Gomez reported that the desalination plant produced 27.79 acre-feet of water for the month of April 2016. Staff will be providing an updated limit of work to EMC Planning Group for biological survey work, as well as working on the items requested in the California Coastal Commission's (CCC) notice of incomplete Coastal Development Permit (CDP). Mr. Gomez reminded the Council of the Monterey Regional StormWater Management Program (MRSWMP) post-construction storm water and LID requirements workshop on May 10, 2016. The draft MRSWMP FY 2016/17 budget was presented during the April meeting. Sand City's cost share allocation is proposed to be \$11,213, which is a few dollars less than last year's.

An illicit discharge was reported from a business located on Orange Avenue in Sand City. An investigation determined that the discharge was excess concrete material from interior construction work that occurred over the weekend and washed out onto the street gutter, entering an inlet on Contra Costa Street. Staff contacted the business owners who performed the cleanup work on the day of the reported discharge. Also, two letters were mailed to property owners regarding the Hickory Street Improvement Project and possible impacts to their property from the proposed improvements. A front yard wall and fence at 601 Redwood Avenue will need to be relocated behind the street right-of way. The property at 1745 Hickory Street may lose two existing stalls due to new improvements, and the City may also need to execute a right of entry agreement. The property owner is requesting that the City re-design the corner improvement to keep at least one existing parking stall.

A topographic and mapping survey of the 700 Dias Street improvements will be submitted to the City Engineer this week. The City Engineer will be meeting with the project electrical engineer and Chief of Police this Thursday to discuss the Bike Trail Street Light Replacement Project.

## **AGENDA ITEM 9, NEW BUSINESS**

### **A. Consideration of Sand City's support of Officer Michael Mount and the Police in Pursuit for Special Olympics Program through the Donation of \$750 and the Sale of 2008 Crown Victoria, Vehicle #90 to Officer Mount for \$100**

City Administrator Todd Bodem reported that Police Chief Brian Ferrante mentioned that the Police Department has a vehicle that is no longer in service. Officer Michael Mount is involved in car racing with the Special Olympics, and it was suggested that the car be sold to Officer Mount. The title will be transferred to Officer Mount following the purchase of the vehicle thereby removing further liability from the City. The City can also donate to the Police in Pursuit Special Olympics Program on behalf of Officer Mount.

The Mayor commented that the Special Olympics Program is a worthy cause and that the donation in support of the program is a good idea.

Motion to approve the donation to Special Olympics for \$750 and to sell the 2008 Crown Victoria, Vehicle #90 to Officer Mount for \$100 was made by Vice Mayor Carbone, seconded by Council Member Kruper. There was consensus of the Council to approve the motion.

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

Council Member Kruper reported that the Monterey County Convention

and Visitor Bureau (MCCVB) reported an increase of 2.5 million overnight visitors, representing a 5% increase since 2014.

Council Member Hubler commented that the Holiday Art Sale scheduled for last December will be held this Saturday, May 7, 2016 at the Carroll Building. The artists will be offering their art for sale for \$199 and under. An Open Studio Tour will coincide with the event, and the Tom Ayers Band will be performing at the event. Maps will be provided for the studio tour and activities will be available for the children. He further reported that the Sand City Arts Committee is going through some growing pains and is now adding events throughout the year such as a Juried Art and Fashion Show during this year's West End Celebration.

Vice Mayor Carbone reported that she served as a goodwill ambassador during the City of Seaside's Health Fair Conference last week, and as a representative of Community Human Services (CHS) and the Mosquito Abatement District.

Mayor Pendergrass reported that at the request of Coast Weekly, he and the City Administrator provided David Schmalz a history of Sand City along with a tour of various points of interest within the City.

### **C. Upcoming Meetings/Events**

There were no RSVP's from the Council.

### **AGENDA ITEM 10, CLOSED SESSION**

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

### **AGENDA ITEM 11, 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, May 17, 2016 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 6:24 p.m.

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Connie Horca, Deputy City Clerk