

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

Regular Meeting – October 20, 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 Brian Ferrante.

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

Absent: Council Member Hubler {arrived at 5:43 p.m.}

Staff: Todd Bodem, City Administrator
Jim Heisinger, City Attorney
Leon Gomez, City Engineer
Brian Ferrante, Chief of Police
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 were no comments from the Public.

5:31 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 #413, Sculpture Works (manufacturing), 460 Elder Avenue
 - (2) CUP #477, Jean-Luc Preti (manufacturing), 1720-B Contra Costa St.
 - (3) CUP #501, Sylvan Design (art studio), 613-A Ortiz Avenue
 - (4) CUP #555/CDP 12-07, Peninsula Hydronics (contractor) 2 John Street
 - (5) CDP #95-09, Slakey Brothers (warehouse), 321 Orange Avenue
 - (6) CUP 571/CDP 13-05, OAS Design (research workshop) 1805 Contra Costa Street
- B. There was no discussion of the Sand City Council Meeting Minutes, September 15, 2015.
- C. There was no discussion of the Police Department Monthly Report, September 2015.
- D. There was no discussion of the Public Works Monthly Report, September 2015.
- E. There was no discussion of the City **Resolution** approving Time Extensions to January 31, 2016 of Multiple Conditional Use Permits (CUPs 450, 503, 508, 527, 532, 540, 541, 562, 576 & 578) and CDP 14-01 to continue as Interim Uses at their respective locations within the South of Tioga Area.
- F. There was no discussion of the Monthly Fort Ord Reuse Authority Report (FORA), September 2015.
- G. There was no discussion of the Monthly Fort Ord Reuse Authority Report (FORA), October 2015.
- H. There was no discussion of the City/Successor Agency Monthly Financial Report, August 2015.
- I. There was no discussion of the City Donations/Contributions to the Salinas School of Dance (Teddy Bear Toy Drive) for \$500 and the NAACP Youth Council's Leadership Development Training for \$100.

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

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

City Engineer Leon Gomez summarized the desalination plant water production for the months of August (23.6 acre feet) and September (25.5 acre feet) 2015. The desalination plant had been inoperable for several days due to maintenance and cleaning, and should be online by the end of the week. Sand City's Annual Stormwater Report was completed by the City Administrator and submitted to the Stormwater Resources Control Board on October 15th. The bi-annual inspection and maintenance of the stormwater interceptor and percolation system located at the shopping centers was conducted on October 5th. Results of the inspection report was provided to the City Engineers office. The notice of acceptance regarding the Bungalows at East Dunes Phase I improvements was recorded on September 25th at the Monterey County Recorder's Office. The City Engineer's office has developed three exhibits to the Hickory and Dias Street improvements with comments provided by Staff and the Public Safety Committee (PSC). The comments will be incorporated into the exhibits as a result of the PSC meeting.

Mayor Pendergrass commented on the power failure that occurred throughout the Peninsula on Sunday. He contacted Eric Sabolsice who reported that the desalination plant generator was able to keep the computers operable during the power failure. The Mayor also received an update from Mr. Pooler regarding the street lights at the Bungalows project location.

City Administrator Todd Bodem reported that he contacted Joe Foster from PG&E regarding the power outage. Mr. Foster communicated that it was due to the October 13th installation of a new transmission tower that experienced technical failure, resulting in a power outage of several cities along the Peninsula. He also reported that the Economic Development Conference is very informative, and thanked the Council for encouraging his attendance.

Associate Planner Charles Pooler reported that the contractor for Target picked up the construction plans and permits for the installation of solar panels at the Edgewater Shopping Center location. Dr. Ghandour stopped by City Hall to inform Staff that his public and conservation easement permits are being recorded, and he is getting closer towards filing the coastal development permit with the Coastal Commission. A draft vesting tentative map for the project has been emailed to the City Attorney, Engineer, and Dr. Ghandour. Mr. Pooler is hopeful that while

he is out of the office the map is being reviewed for comments.

AGENDA ITEM 8, NEW BUSINESS

A. Presentation and Discussion of Staff's proposed Planning Department Streamlining the Application Process, updating the Fee Schedule, and related Zoning Code Amendments

Associate Planner Charles Pooler reported that EMC Planning Group and City staff have been collaboratively working on the planning department's current permit application process to develop a streamlined and efficient method to simplify and update the Fee Schedule. This includes incorporating a 'reimbursement agreement' to recoup expenses not covered by application fees and consolidating the various permit types into a single permit when appropriate. He presented the proposed reorganization of the land use entitlement permits for Council discussion and direction. The reorganization, regroups applications and permits into several categories to include administrative land use approvals and permits, discretionary land use permits, design review, and legislative amendments. The administrative land use approvals and zoning permits would involve a zoning compliance statement, home occupation, temporary use, parking and tree removal permits. Staff proposes several amendments to Title 18; Sections 18.62, and 18.67 to incorporate the changes specified in the attached staff report and exhibits.

5:43 P.M. Council Member Hubler arrived.

The discretionary land use permits category involves all land use entitlement permits discretionarily acted upon by the Council that includes conditional use and coastal development permits, site plan review, variance, planned unit development, tentative subdivision & vesting tentative maps, final and parcel maps, combining multiple permits and the appeal and amendment of permits. He specified that development projects include multiple facets of review and would best be served by consolidating all those reviews and actions into a single land use entitlement permit. The combined approval aspects would be contained in one permit for instances when a project may be amended or appealed. For Coastal Zone Districts, the coastal development permit should serve as the single overriding land use entitlement permit, and for Non-Coastal Zone Districts, the conditional use permit should serve as the single overriding land use entitlement permit at the discretion of the City Planner. An amendment of the zoning code is necessary to incorporate the concept of merging multiple permits. Draft language is provided in the attached staff report.

The current fee schedule for Design Review involves a variation of review categories and outdated fees. Staff recommends simplifying the design review application process and fee schedule into three categories to include design permit, master sign program, sign permit and legislative

amendments. The legislative amendments are not permits but rather actions by the City Council to adopt/amend policies and codes by which land uses/development are regulated. This category applies to actions required to amend the General Plan, Zoning Map, adopt/amend a Specific Plan, and amend the City's Local Coastal Program (LCP).

The Planning Department fee schedule was established in 1991, and in 1995 it was amended to include 'Pass-Through Agreements' for major projects that require the preparation of an environmental impact report (EIR). Since this fee had not been updated for several years, the City has incurred substantial expenses related to the Bungalows Project and Orchard Supply Hardware renovation due to extensive City Engineer and consultant involvement. Due to these expenses, EMC Planning Group was directed to develop a 'Reimbursement Agreement', not just for 'major' projects that need an EIR, but for all projects that would impose additional processing expenses upon the City. Staff has prepared an updated fee schedule based on the recommended permitting outline. The revised fee schedule (exhibit B) indicates which applications require a Reimbursement Agreement.

Mr. Pooler concluded that the attached staff report is the first of three steps that would streamline the City's permitting process and simplify the fee schedule. The second step would include a staff presentation of a draft ordinance to consider zoning amendments, and the third step would involve a staff presentation of a draft resolution at a public hearing to formally adopt the revised Planning Department fee schedule and the reimbursement agreement. He further included the summary of the proposed planning permit reorganization and demonstrated the new amounts of the proposed revision to the planning department fee schedule.

Michael Groves, President of EMC Planning Group acknowledged Mr. Pooler for taking on this project, his thoroughness in the research of the program, and the simplicity of how it was presented. Mr. Groves encouraged the Council to consider adopting the proposed changes to the fee schedule and suggested that a minimal fee of \$50 be made for a Home Occupation Permit. He further suggested an amount of \$300-\$350 be included for the environmental review categorical exemption since these filings require approximately 6-10 hours of staff time.

City Attorney Jim Heisinger commented that a filing fee is involved when a Notice of Determination (NOD) has to be filed with the County Clerk, and a reasonable amount should be charged to cover this expense as well.

Mr. Pooler recommended that the categorical exemption fee include language to state, "*at the discretion of the City Planner*", to allow for projects that may not be categorically exempt. A minimal fee amount of \$300-\$350 dollars would be included as part of the fee schedule.

Mr. Groves introduced EMC's staff consultant, Chris Schmidt, who will be temporarily working in the City's planning department while Mr. Pooler is on vacation. The City Attorney commended and thanked Mr. Pooler and EMC staff for the comprehensive and thorough job to the proposed updates and revisions of the fee schedule and zoning ordinance. Mr. Heisinger commented that several sensitive issues also need to be addressed within the zoning ordinance regarding lot size, and structural height issues.

In response to Mr. Heisinger's question whether updates of the zoning ordinance would affect the Implementation Plan, Mr. Groves answered that his staff would research the issue. He included that once the City has an idea of what improvements they would like to incorporate to the downtown district, (ie: a vibrancy plan), it can be included within the zoning code update.

There was Council discussion regarding a bill signed by the Governor that allows for a portion of tax increment funding to assist with infrastructure improvements for disadvantage communities.

B. Consideration of Monterey Regional Waste Management District and HF&H Consultants Assistance with Model Ordinance and Franchise Management

Associate Planner Charles Pooler commented that at the last two TAC meetings of the Monterey Regional Waste Management District, there had been extensive discussion regarding the transition of the waste hauling services provided by Greenwaste Recovery. Several cities have experienced issues involving alley services, and businesses who do not want to pay for recycling. Sand City's transition to the new waste service went rather smoothly compared to other cities. Due to these issues, Greenwaste has had difficulty implementing their franchise agreement with a number of communities. Sand City's code does include a stipulation that whomever the City contracts its waste agreement with, would have exclusive right to haul the garbage out of Sand City. The results from the TAC meetings, would contract with Rob Hilton from HF&H for management of the franchise agreement and development of a model ordinance that cities can use and incorporate into their municipal code. Mr. Pooler explained the process and overall expenses involved for Mr. Hilton to prepare a model ordinance. He referred to page 115 in the agenda packet that provided four detailed scenarios of the costs involved, and how it would be divided amongst other cities should they decide to participate. Staff recommends the city consider participating with other jurisdictions to contract with Rob Hilton of HF&H Consultants.

Mayor Pendergrass commented that the first scenario in which all cities share in the cost would be beneficial for Sand City. There was consensus of the Council to move forward with the Mayor's suggestion. The Mayor requested that Staff prepare a resolution for Council action.

C. Discussion of Prospective Police Officer Pay Grade

Police Chief Brian Ferrante reported that due to the retirement of Sergeant Allen, the Police Department conducted a testing process that resulted in a candidate to fill the vacant police officer position. The candidate has undergone a background investigation, passed all physiological, medical and physical evaluations. The candidate has received numerous awards and commendations, and has a career history with both the Cities of Monterey Regional Airport Police and City of Seaside. The City would like to offer him the same salary range (step 5) that he is currently making now, which would require approval of the Council. It is recommended that the Council approve the offer of Step 5 for the police officer candidate.

There was Council discussion regarding the results of the interview, the candidate's qualifications, salary difference, and possible scenarios should the candidate decline the offer. Chief Ferrante commented that the second candidate would be offered the position should the first candidate decline.

There was consensus of the Council to present an offer at Step 5 for the police officer position.

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

Council Member Kruper received clarification from City Administrator Bodem that the sub-committee agenda process will be distributed to all the committees and agendized. He reported that MCCVB's talking points illustrated a 7.8% increase in tourism from last year. The economic impact was 11.7 million dollars, and the organization assisted four cruise ships that docked in the area. The West End Celebration (WEC) Advisory Committee met and received information from the WEC Coordinator Stephen Vagnini regarding multiple issues that may be presented to the Council for action.

Mayor Pendergrass commented on his conversation with Mr. Vagnini, who expressed his interest in continuing as the coordinator for the 2016 WEC.

Council Member Hubler commented that at the WEC Advisory Committee meeting, it was suggested that the Arts Committee present a proposal to assist the WEC Coordinator with the "art" vendor portion of the event. The Arts Committee's possible role would be to process registration applications, recruitment of art vendors, and to elevate the level of art for the event without changing it.

There was Council discussion regarding the definition of art, how individuals interpret art, criteria for how the art would be considered acceptable, and logistics of the WEC. The Mayor requested that the Arts Committee present a proposal regarding their role in assisting the WEC

Coordinator. Council Member Hubler also announced that the Arts Committee is planning a holiday art sale on December 5, 2015. A venue is still being researched for the event.

Council Member Blackwelder reported on courses he attended at the League of California Cities Conference, changes regarding the 500' conflict of interest rule, and the authority of Charter cities. City Attorney Heisinger provided a legal analysis of the 500' rule and its applicability to Sand City.

Mayor Pendergrass reported that the League conference was quite informative; however, it would have been nice if the guest speakers provided hard copies of their presentations as it was difficult to view the screen. The Mayor added that the Marriott's was currently undergoing renovations and the rooms had several issues with the refrigerators and room service.

E. Upcoming Meetings/Events

There were no RSVP's from the Council.

AGENDA ITEM 9, CLOSED SESSION

6:47 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)

7:34 P.M.

B. 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

At a Settlement Conference held before the Court on October 6, 2015, the attorneys representing Seaside, Sand City, and the Successor Agency to the former Sand City Redevelopment Agency all agreed to recommend certain terms of compromise and settlement to their respective clients. The City Attorney and Special Counsel reported those terms of compromise and settlement to the City Council and Successor Agency. The City Council and Successor Agency took action to approve the terms of compromise and settlement recommended by the City Attorney and Special Counsel.

AGENDA ITEM 10, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Hubler seconded by Council Member Kruper. There was consensus of the Council to adjourn the meeting at 7:36 p.m. to the next regularly scheduled Council meeting on November 3, 2015 at 5:30 P.M.

Connie Horca, Deputy City Clerk