

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

Regular Meeting – November 17, 2015
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, Chief of Police
Connie Horca, Deputy City Clerk

AGENDA ITEM 4, COMMUNICATIONS

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

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

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. 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 #328/CDP 88-01, Granite Rock (construction), 1755 Del Monte Blvd
- 2) CUP #478, Signature Nails (sales/service), 824 Playa Avenue
- 3) CDP 09-05, Coastal Fabrication, (welding/fabrication), 755 Redwood Avenue
- 4) CUP #534, Big Sur Marathon, (storage), 570 California Avenue

- B. There was no discussion of the Sand City Council Meeting Minutes, November 3, 2015.
- C. There was no discussion of the Public Works Monthly Report, October 2015.
- D. There was no discussion of the Police Department Monthly Report, October 2015.
- E. There was no discussion of the Sand City Joint Powers Financing Authority **Resolution** Confirming its Officers.
- F. There was no discussion of the City/Successor Agency Monthly Financial Report, September 2015.
- G. There was no discussion of the Denial of Claim submitted by Jose Guadalupe Castro regarding a Bicycle Accident on February 13, 2015.
- H. There was no discussion of the City/Successor Agency Treasury Report, September 30, 2015.
- I. There was no discussion of the June 5, 2015 Budget/Personnel Committee Meeting Minutes {approved at the Budget/Personnel Committee meeting on August 24, 2015}.
- J. There was no discussion of the City **Resolution** approving a Service Agreement with SLV Management (Stephen Vagnini) for the 2016 West End Celebration (WEC).
- K. There was no discussion of the City Donation/Contribution to the Salvation Army Christmas for \$300.
- L. There was no discussion of the City **Resolutions** honoring Officer Jeffrey Bushnell in recognition of his Heroic act in the attempted arrest of criminal suspects and Officer Larry Escobar in recognition of his Heroic act in the attempted arrest of criminal suspects.

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, PRESENTATION

A. Presentation of Certificates by Stephen Vagnini to Volunteers/Supporters of the 2015 West End Celebration

West End Celebration (WEC) coordinator Stephen Vagnini presented certificates of appreciation to staff, council members, and public individuals who participated in the 2015 West End Celebration. He expressed his thanks to the council for their support as well. Mayor Pendergrass presented Mr. Vagnini a certificate of recognition for his hard work and commitment in the coordination of the West End Celebration.

Mr. Vagnini concluded that in collaboration with Guitars not Guns (GNG), the WEC received funds to donate 1,000 guitars to the organization. GNG is a non-profit 501c3 organization that provides guitars and teaches lessons to foster children and at risk youth.

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 the City Engineer/Community Development Director/City Administrator

City Engineer Leon Gomez reported that the desalination plant produced .23 acre feet of water through November 16, 2015. The plant has been inoperable due to high salinity at the source feed wells and the inability of blending the intake water to meet discharge limits. Even with the recent rains, the wells have not recovered as anticipated. The plant will be restarted on Wednesday, and a status report will be provided to staff. A letter was submitted to Mr. Bruno of Monterey Peninsula Engineering regarding the condition of the storage yard at the end of Tioga Avenue. Mr. Bruno has responded with correspondence addressing the concerns which will be submitted to the Regional Water Quality Control Board for their review. The repair work conducted by A & R plumbing left material on the street. Staff verbally informed them, and followed up with written correspondence requesting clean-up of the material. A & R plumbing rectified the issue by removing the material left over from the repair work.

Mr. Gomez reported that the Playa Avenue repair work will be discussed under agenda item 9B. As of this afternoon, a contractor has provided a quote, and another scheduled to review the site. MST will be proposing

plans for a bus shelter at the north entrance to the shopping center behind Panera Bread. Staff held a meeting to begin the process of discretionary review and approval of wireless communications facilities proposed by MobilLite.

Vice Mayor Carbone received clarification regarding the installation of PVC pipes at the end of Tioga Avenue involving work on the wells.

Chief Brian Ferrante reported that the Public Works crew is working on setting up the Christmas decorations, and continuing their training on the operation of the street sweeper.

City Administrator Todd Bodem reported that Tom Frutchey of Pacific Grove had resigned and accepted a position with the City of Paso Robles. A meeting with Dr. Ghandour and Staff will occur tomorrow afternoon regarding conditions related to his coastal development permit.

AGENDA ITEM 9, NEW BUSINESS

A. Consideration of City Resolution approving an Expenditure not to Exceed \$1,000 for Services of Rob Hilton of HF&H Consultants towards the Development of a Model Solid Waste Ordinance

City Administrator Todd Bodem commented that at the October 20, 2015 council meeting, the Council approved participation in the development of a Model Waste Ordinance. Since that time, several cities have decided to discontinue their participation resulting in increased costs for the remaining agencies. Sand City receives 3% of the total franchise fees, and it would seem logical that the City's contribution be 3% of its total franchise fee received. The attached resolution reflects the participation amount rounded off to \$1,000. Staff recommends approval of the resolution.

There was Council discussion regarding the cost of providing a model waste ordinance without the assistance of consultants, and costs to other cities should Sand City decide to move forward with a reduced amount.

Mayor Pendergrass commented that the City should consider participation, and it would seem fair to move forward even with a minimal contribution.

Motion to approve the City **Resolution** approving an expenditure not to exceed \$1,000 for Services of Rob Hilton of HF&H Consultants towards the Development of a Model Solid Waste Ordinance was made by Mayor Pendergrass, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

B. Consideration of City Resolution approving the Emergency Repair of a portion of Playa Avenue, a Public Right-of-Way, in order to Protect Public Safety and Welfare, and to Authorize the City Administrator to Contract for said work for an amount that is to be Determined

Mayor Pendergrass commented that the street is a busy area of the shopping center and expressed that the work should be done as soon as possible.

City Attorney Jim Heisinger added that the attached resolution would allow the City to select a construction company without going through a formal bidding process due to the time constraints, inclement weather, etc. This is a one-time authorization to vary from the procedure outlined in the Public Contracting Code. In the future, the City may want to consider adopting an ordinance that allows the City Engineer and City Administrator to authorize projects for amounts over \$5,000 or allow a special dispensation for one time jobs.

Mayor Pendergrass agreed with the City Attorney's suggestion especially regarding emergency repair work or special situations that require immediate attention. It would be feasible to have guidelines that the City can work with.

There was Council discussion regarding the scope of work that may be involved, suggestions on re-routing traffic at the location, expected completion date of the project, and the possibility of conducting extensive compaction testing of the area. Based on engineering estimates, Mr. Gomez reported that the work may total approximately \$12,000 - \$15,000 dollars. The job may take anywhere from 2 to 3 days with an additional 48 hours to receive notice of delineation and location of underground utilities.

There was further discussion regarding the original work performed at the area, the possibility of receiving reimbursement from the contractor who performed the work, and retaining documentation of any work performed at the area.

Motion to approve the City **Resolution** approving the Emergency Repair of a portion of Playa Avenue, a Public Right-of-Way, in order to Protect Public Safety and Welfare, and to Authorize the City Administrator to Contract for said work for an amount that is to be determined 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.

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

Council Member Kruper reported that at the last Monterey County Convention and Visitors Bureau (MCCVB) meeting, their sales team had booked 37,231 room nights within Monterey County resulting in an increase of 183% in tourism numbers. On October 8th new airline flights were announced that the airport will be providing flights to and from Los Angeles International Airport (LAX). The Public Safety Committee held a meeting on November 10th and discussion revolved around the lack

of a continuous sidewalk/pathway on California Avenue, a dog waste ordinance, a waste station at the Independent, reserve officer applications, new police department equipment, and hiring of a part-time temporary employee to help with work throughout the City.

Council Member Hubler reported that the proposed Holiday Art Sale will be postponed due to a lack of securing a venue, and it may be moved to some time in the spring. A juried art show is also being planned

Vice Mayor Carbone reported that she is working with the Monterey Fire Department to gather names of Sand City residents for the Christmas gift delivery list.

Council Member Blackwelder commented that interviews were held for the vacant Sergeant position. Commander Paul Tomasi from the City of Camel's Police Department and Lieutenant Bill Clark from the Monterey Police Department were involved with the interview process. Chief Ferrante added that Officer Bushnell was the chosen candidate and a promotion/swearing in ceremony will be held this Friday at 12:00 pm.

D. Upcoming Meetings/Events

There were no RSVP's from the Council. The Deputy City Clerk confirmed the dates for the City's Tree Lighting Ceremony and Annual Awards Banquet for Council Member Hubler.

AGENDA ITEM 10, CLOSED SESSION

6:45 P.M.

City Council/Agency Board to adjourn to Closed Session:

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

1) To confer with Legal Counsel regarding pending litigation in accordance with Section 54956.9(c) of the Ralph M. Brown Act,

- 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)**

7:02 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

The Council confirmed with the City Attorney in closed session with regard to item 10A-1(a). No action was taken.

The Council acted by consensus to authorize the Mayor to enter into a stipulation for entry of judgement, item 10A-1(b).

The Council received a report from the City Attorney, item 10A-1(c). No action was

taken.

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Blackwelder seconded by Council Member Kruper. There was consensus of the Council to adjourn the meeting at 7:04 p.m. to the next regularly scheduled Council meeting on December 1, 2015 at 5:30 P.M.

Connie Horca, Deputy City Clerk