

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

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Regular Meeting – February 7, 2017  
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 Police Chief Brian Ferrante.

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

Staff: Todd Bodem, City Administrator  
Virbeke Norgaard, Acting City Attorney  
Leon Gomez, City Engineer  
Brian Ferrante, Police Chief  
Connie Horca, Deputy City Clerk  
Charles Pooler, Associate Planner

**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.

Mayor Pendergrass announced that this will be the last invocation led by Reverend Mason as he will be relocating his family to Oakdale, California. He also thanked Todd Bodem for his City Administrator's report.

**AGENDA ITEM 5, CONSENT CALENDAR**

A. There was no discussion of the January 17, 2017 Sand City Council Meeting Minutes.

- B. There was no discussion of the City/Successor Agency Monthly Financial Report, November, 2016.
- C. There was no discussion of the Re-appointment of Vice Mayor Mary Ann Carbone to the Northern Salinas Valley Mosquito Abatement District Board of Trustees for a Four-year Term beginning January 2, 2017 to January 2, 2021.
- D. There was no discussion of the Fort Ord Monthly Report (FORA), January 2017.
- E. There was no discussion of the City/Successor Agency Treasury Report, for the period ending December 31, 2016.
- F. There was no discussion of the City **Resolution** approving the Title Transition of the Associate Planner to City Planner and Consider a Review of the Community Development Structure.
- G. There was no discussion of the City **Resolution** authorizing the City Administrator to Enter into an Agreement between the Transportation Agency for Monterey County (TAMC) and the City of Sand City for the Allocation of Funding.
- H. There was no discussion of the City Donation/Contribution to the 50<sup>th</sup> Annual Monterey Scottish Games & Celtic Festival for \$500.

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 HEARINGS**

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

- A. Consideration of City RESOLUTION to Approve Coastal Development Permit 17-01 (Inclusive of Site Plan and Design Review) for the Development of a Single Family Development at 1843 Park Avenue**

Associate Planner Charles Pooler presented applications submitted by Dustin Bogue for site plan, architectural review, and a coastal development permit approval for the development of a single 2,961 square foot 2-story (plus a 431

square foot basement) residential dwelling on Park Avenue. This site currently serves as a fenced yard, and is within a coastal zone overlay. The proposed development will be a 3 bedroom dwelling with 3 full baths and 2 half baths. The primary living areas and garage will be on the ground floor, with bedrooms and bathrooms on the upper level. A half bath will be located on the ground level and another in the basement area. The structure will have a minimum twelve foot front setback with five feet setbacks on both sides, and a rear setback of ten feet. The 440 square foot 2-car garage and driveway provides a total of 4 parking spaces that meets code requirements. All utility laterals must be underground to connect to the present underground mains along Park Avenue. A landscape plan was provided with drought tolerant plants suitable for a coastal climate and sandy soil such as one Melaleuca tree and two species of Buckwheat plants. Staff recommends the landscape plan swap the Buckwheat plants for another species that will not subject the property owner to potential environmental protection regulations. Façade materials will consist of smooth stucco with anodized aluminum channel reveal painted white, tongue & groove plank siding in a 'cedar west' color, a dark bronze colored Hardi Reveal panel system, craft board formed contemporary concrete exposed masonry. The proposed structure is sufficiently balanced in the relation of width, depth, and height.

The Design Review Committee (DRC) held a public hearing on Friday, January 27, 2017 and DRC members were in consensus to approve the project with only the landscaping modifications recommended by Staff. The project is situated on two contiguous lots/parcels and all existing lots should be merged into a single lot/parcel as a condition of permit approval. The property does not have sufficient water credit to accommodate the Project; therefore, the total project allocation requirement is 0.249 acre-feet and is subject to final review and determination by the Monterey Peninsula Water Management District (MPWMD) staff. If the Council approves land entitlement permits for this Project, then a water allocation would be presented at a future Council meeting.

The overall design is modern contemporary, incorporating elements of 'seascape' style into its more modern theme. Staff recommends approval of the attached resolution for the proposed project.

There was discussion regarding the basement wells and fire egress, requirement of undergrounding overhead utilities and the prohibition of any new overhead utility. Mr. Pooler clarified that utilities should be undergrounded as required for the Bungalows project. If the Council decides not to underground it, then the property should install underground lateral lines. This condition can be added to the permit to remain consistent with Staff's recommendation outlined within the Staff report.

5: 47 P.M. Floor opened for Public Comment.

The applicant Dustin Bogue thanked the Council for hearing his application. He is willing to work on the power line issue's specificity with Staff, is aware of the legacy of the property, and is committed to deliver what they have proposed for the property. Mr. Bogue indicated that the basement area would be primarily

used as a recreation area for the children.

5:56 P.M. Floor closed to Public Comment.

Mayor Pendergrass expressed his concern regarding the amount of bathrooms and fixtures, indicating that the project request is excessive. There was Council discussion regarding how many bathrooms to allow for the property, the amount of water use, and the amount of water to be allocated from the desalination plant. On page 88 of the agenda packet, Mr. Pooler explained details of the amount of proposed water use for the project. Water District regulations look at the number of fixtures contained within a project and that determines how water allocation calculated. This amount is what will be allocated from the desalination plant.

Following Council deliberation on the amount of bathrooms and fixtures that would be allowed for the project, there was consensus of the Council to approve 3 full baths and one half bath. Mr. Pooler suggested that Condition J3 of the use permit contain the language: *The Project shall be limited to no more than three (3) full bathrooms and one (1) half bathroom.*

Mr. Pooler further recommended adding a requirement to the use permit of Condition D5 to include: *The applicant shall work with City staff regarding the potential to underground overhead utilities; but at a minimum, the Project shall install underground lateral utility lines to property line for future connection.*

The Mayor asked Mr. Bogue if he was in agreement with the changes and recommendations of the use permit. Mr. Bogue replied that he was in agreement with permit conditions.

Motion to approve the City **Resolution** with modifications as recommended, to approve Coastal Development Permit 17-01 (Inclusive of Site Plan and Design Review) for the Development of a Single Family Development at 1843 Park Avenue was made by Council Member Pendergrass, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Member Carbone. Motion carried.

*{Council Member Carbone returned to the dais}*

*{Council Member Blackwelder 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 Approving Coastal Development Permit 17-02 Authorizing a Sign Design and Fabrication Workshop at 1805 Contra Costa Street**

Associate Planner Charles Pooler presented an application submitted by Dylan Rivera to use an existing 6,000 square foot commercial space at 1805 Contra Costa Street as a sign design and fabrication workshop. The subject property is 100 feet wide and 60 feet deep within a two story masonry block building. The

applicant's company designs, fabricates, and installs commercial signs. Additional equipment to be used on site includes a graphic plotter, 2 laminators, an air compressor, planer, bandsaw, skill saw, sandblaster, sanders and drills. There will also be a spray booth where water-based paint will be used to paint signs. Hours of operation are intended to be 8:00 a.m. to 5:00 p.m., Monday through Friday. Staff recommends allowing a 10:00 a.m. to 5:00 p.m. Saturday manufacturing hours consistent with other commercial businesses in the West End District. The property's parking spaces are shared by other businesses along the John Street right-of-way. Staff recommends that the subject property's owner provide a written affidavit to the City assigning space for nine (9) parking spaces on the "Dr. Kay Property" for exclusive use by the Applicant, employees, and company vehicles in order to satisfy zoning requirements. There are five (5) company vehicles all of which are trucks, and any truck or trailer parking should be restricted to the Dr. Kay property and prohibited from parking on the street.

Shipments will be via Federal Express, UPS and USPS on a daily basis. No large scale shipments or deliveries are anticipated. Loading/unloading and traffic impacts can be mitigated by the Applicant's use of the existing yellow curb "loading zone". The permit should require noise insulation for compressors that generate noise/vibration that carry beyond the confines of the unit. Staff recommends approval authorizing the Applicant's design and manufacturing use at the subject property.

6:38 P.M. Floor opened for Public Comment.

The applicant Dylan Rivera commented that his company fabricates various kinds of signage, including vehicle wrapage. This can be conducted within the facility without hindrance to the public right of way. Everything is done in house including design and installation.

In response to Associate Planner Pooler's inquiry regarding the amount of vehicles being serviced at any given time, Mr. Rivera replied that they work on one vehicle at a time although customers may come into the shop, but business is normally conducted over the phone. There is minimal clientele that usually come to pick something up. Mr. Rivera added that there will be adequate ventilation within the property for the proposed use.

The Mayor asked Mr. Dylan if he was in agreement with the conditions of the use permit. Mr. Dylan replied that he was in agreement with permit conditions.

Public Member James Davi clarified that the building is 60 feet deep and expressed his concern regarding limiting the use to one vehicle at a time, as the facility can contain two vehicles within the 6,000 square feet building. The permit should allow for the service of at least two vehicles at any one time. He added that the upper unit is a separate building and does not contain apartments; however, there are tenants down below.

Associate Planner Pooler suggested to add language to Condition 17 of the use permit to include: *The Applicant shall not service sign installations on more than*

*two (2) vehicles at any one time, by appointment only; and all such installation services only be within the building.*

6:50 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution by title**, with modifications to condition #17; approving Coastal Development Permit 17-02 authorizing a Sign Design and Fabrication Workshop at 1805 Contra Costa Street was made by Council Member Carbone, seconded by Council Member Hubler. AYES: Council Members Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Member Blackwelder. Motion carried.

*{Council member Blackwelder returned to the dais}*

## **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 20 acre feet for the month of January 2017. Staff provided clarification of several questions to Tom Luster for use on his Staff report for the California Coastal Commission hearing scheduled tomorrow. Staff is hopeful that the recommendations contained in Mr. Luster's report will be adopted under consent. The City also received grant funding for technical assistance in relation to the Stormwater Management Program. The amount of funds will be determined, as other cities also received a portion of the grant funds available. A meeting will be held within the next few weeks with Water Board representatives to find out the amount of funding. The funds would be allocated towards technical assistance in developing a project (i.e. retrofit City Hall and install water treatment device).

The Bungalows at East Dunes Phase II project is currently under construction and work began on January 30, 2017. Sewer installation has been approved by Seaside, and the Cal-Am water system connection is pending resolution of a few minor issues. The Porsche site improvement project received their building permits a few weeks ago and construction should commence mid-February. Staff is continuing to work on the public works reimbursement agreement for review, processing, and approval of development projects through the building permit phase. Staff is developing a set of standards for the lot merger process and will be forwarded to the City Attorney for review.

The Mayor announced that City Administrator Bodem will conduct a tour of Sand City's desalination plant to various City Managers during the City Managers Conference being held in the City of Monterey.

City Administrator Bodem reported that Mr. Orosco's attorney has all the documents required for the purchase of the Carroll Property. Staff received

another opportunity to potentially receive a grant award for GIS systems mapping with the possibility of AMBAG assisting Staff in the application process.

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

### **A. Consideration of City RESOLUTION Approving a Contract Policy and Procedure Policy for the Execution, Enforcement, and Signatory Authority for all Minor Contracts of the City in Order to Improve Operational Efficiencies**

City Administrator Todd Bodem commented that at the last meeting of the Budget and Personnel Committee, the Committee reviewed a draft contract and procedure policy for execution of contracts by the City Administrator of amounts up to \$5,000, City Committee execution of contract amounts from \$5,000 to \$10,000, and anything above \$10,000 by the City Council. This would help to expedite projects and service delivery by allowing Staff some latitude to sign contracts under \$5,000. Should this resolution be approved, Staff would include contract executions through the City Administrator's report.

Motion to approve the City **Resolution by title**, approving a Contract Policy and Procedure Policy for the Execution, Enforcement, and Signatory Authority for all Minor Contracts of the City in Order to Improve Operational Efficiencies was made by Council Member Kruper, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

### **B. Consideration of Prospective Police Officer Pay Grade**

Police Chief Brian Ferrante reported that due to the retirement of an officer, the attached memo outlines a recommendation to fill the police departments last vacancy. The candidate comes with a great deal of training and experience, is highly respected by his peers, has several letters of commendation, possess tactical background, is a former member of the SWAT team, a fantastic interviewer, and by all accounts is an excellent officer. The candidate is a veteran officer of 16 years and is at the top of his pay scale at the City of Seaside. Staff recommends hiring him in at Step 5.

In response to Mayor's inquiry regarding why he would like to come back to Sand City, Chief Ferrante responded that he recognizes Sand City as a quality organization. The Chief further reported on reasons why Mr. Charlton left and why he would like to come back.

There was Council discussion regarding the interagency SWAT Team. The Chief addressed Council Member Kruper's concerns regarding cash outs of accrued hours, the department's overtime expenses, and when a statistical report of overtime hours can be expected. He also reported on

the progress of hiring reserve officers and prospective candidates.

The Mayor commended Chief Ferrante for his choice of officer to fill the first ever Commander position for Sand City and in the success of the Promotion Ceremony held on Monday.

There was consensus of the City Council to hire Officer Dan Charlton at Step 5.

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

Vice Mayor Carbone expressed her joy that Officer Charlton will be returning to Sand City as he is a very loyal and dedicated police officer.

Council Member Kruper reported that the 152 Oversight Board will be meeting in March. The Monterey County Convention and Visitors Bureau (MCCVB) reported that the SeeMonterey Facebook page has officially exceeded 100,000 fans and is up 20% from the same time last year. The Monterey Visitor's Center team has influenced 59% of visitors in December with 3,792 room night's book, resulting in \$1.2 million in revenues. The City of Monterey received 19 group bookings in December with 5,710 room nights booked and an economic impact of \$20,781,012. He also reported that the West End Celebration contributed \$6,934 dollars to Guitars not Guns as well the donation of 60 guitars to Marina High School, the number of instructor classes held by Monterey County, and of other organizations that benefit from the Guitars not Guns program. He encouraged the Council to vote on either Facebook or Twitter for the West End Celebration as one of the 'Best in Monterey' events.

Council Member Hubler commented that the Arts Committee will be holding a meeting next week. The Committee would like to host several events such as an open house at Monterey Sculpture Center, portrait reception of business owners within the City, and securing new Art Committee members. The goal for the year would be to do smaller events and stick within the Arts Committee Budget.

Mayor Pendergrass read a letter announcing his retirement as Mayor and will step down from City Council, effective April 30, 2017.

Acting City Attorney Verbeke Norgaard prepared a memo that was distributed to the Council setting forth the next course of action in filling the Mayor's seat per the Sand City Charter.

**D. Upcoming Meetings/Events**

There were no RSVP's from the Council. The Mayor reminded the Council of the upcoming Monterey Peninsula Chamber of Commerce (MPCC) Annual Awards Banquet to be held in Saturday, March 11, 2017.



## **AGENDA ITEM 10, ADJOURNMENT**

Motion to adjourn the City Council meeting was made by Council Member Kruper, seconded by Council Member Hubler to the next regularly scheduled Council meeting on Tuesday, February 21, 2017 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 7:36 p.m.

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Connie Horca, Deputy City Clerk