

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

Regular Meeting – March 21, 2017
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, Police Chief
Linda K. Scholink, Director of Administrative Services
Charles Pooler, City Planner

AGENDA ITEM 4, COMMUNICATIONS

- A. Written information distributed to the Council were documents related to the Local Government Commission conference attended by Vice Mayor Carbone.
- 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.

There was Consensus of the City Council to move Agenda item 9A for consideration following Agenda item 5, Consent Calendar

AGENDA ITEM 5, CONSENT CALENDAR

The Mayor pulled agenda item 5A(4) CUP #538, Todd Kruper (live-work), 637-A Ortiz Avenue 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 regarding the following use permits.
- (1) CUP #483, Colton Heating (contractor), 431 Ortiz Avenue
 - (2) CUP #482, Macaluso Electric (contractor), 551 Redwood Avenue
 - (3) CUP #517, Monterey Bay Diving (storage), 625-C California Avenue
 - (4) CUP #538, Todd Kruper (live-work), 637-A Ortiz Avenue **{pulled}**
 - (5) CUP #560/CDP #13-03, Iron Republic (gym), 1807 Contra Costa
 - (6) CUP #579, Jill Kahlow, (manufacture) 337-B Olympia Avenue
 - (7) CUP #580/CDP 14-02, Ashley Denning (hair salon), 490-C Orange Avenue
- B. There was no discussion of the March 7, 2017 Sand City Council Meeting Minutes.
- C. There was no discussion of the Police Department Monthly Activity Report, February 2017.
- D. There was no discussion of the Public Works Monthly Report, February 2017.
- E. There was no discussion of the City **Resolution** approving Participation in the Institute for Local Government's Recognition Program, The Beacon Program and Designate the City Administrator as the Representative.
- F. There was no discussion of the City **Resolution** forwarding to the Monterey County Ad Hoc Committee the Council's recommendation for the use of the City's Allocation of HUD CDBG Grant Funds for Public Facilities & Capital Improvements for Fiscal Year 2017/2018, and a Recommendation for the Allocation of HUD CDBG funds for Public Service Providers.
- G. There was no discussion of the City Donation/Contribution to Community Human Services Safe Place Program for \$2,500.
- H. There was no discussion of the Fort Ord Reuse Authority (FORA) Monthly Report, March 2017.
- I. There was no discussion of the City/Successor Agency Monthly Financial Report, January 2017.

Motion to approve Consent Calendar items 5A(1-3 & 5-7) was made by Council Member Carbone, seconded by Council Member Hubler. 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

{Council Member Kruper stepped down from the dais}

Motion to approve item 5A(4) CUP #538, Todd Kruper (live-work), 637-A Ortiz Avenue was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Member Kruper.

{Council Member Kruper returned to the dais}

A. Consideration of City RESOLUTION Accepting Two Easements as Grantee: (1) Irrevocable Offer to Dedicate Dune Area Conservation Easement and Declaration of Restrictions, and (2) Irrevocable Offer to Dedicate Public Access Easement and Declaration of Restriction, for the Monterey Bay Shores Resort Development, Consistent with the Conditions and Requirements of California Coastal Commissions Coastal Development Permit (CDP) A-3SNC-98-114, Issued November 9, 2015

City Administrator Todd Bodem commented that on November 9, 2015 the Coastal Commission issued a Coastal Development Permit (CDP) to the Monterey Bay Shores (MBS) to convey a dune area and public access conservation easement to a public agency, and approved by the Executive Director of the Coastal Commission. A Powerpoint was displayed to show the easement areas within Sand City. It would make sense to hold the easements, over another agency like the Monterey Regional Park District, to maintain local control. Staff believes that the City is most qualified to monitor compliance with the terms of the conservation and public easements. Staff recommends approval of the resolution that authorizes the City Administrator to sign and accept these documents (pages 231 & 234) on behalf of the City.

5:36 P.M. Floor opened for Public Comment.

The property owner Dr. Ghandour commented that the easement areas fronts the project site, and a collaborative program of funding under the Habitat Protection Plan (HPP), which includes a funding mechanism and trust is required. The HPP currently suggest that for 10 years \$100,000 would be contributed by all parties; \$50,000 from the City and \$50,000 from Monterey Bay Shores. The trust would funnel more funds to the City, so that the City may improve its beach area and access. The Coastal Commission originally suggested that Sand City be the recipient. This would be a great partnership for the project between all parties involved.

There was discussion regarding project details such as fencing, barriers, and signage. He also reported that grading should begin following the receipt of final documents. The outcome of the legal action pending against the Coastal Commission would determine when grading would begin. April 22nd will mark the 24th anniversary of the project.

5:44 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution by title**, accepting Two Easements as Grantee: (1) Irrevocable Offer to Dedicate Dune Area Conservation Easement and Declaration of Restrictions, and (2) Irrevocable Offer to Dedicate Public Access Easement and Declaration of Restriction, for the Monterey Bay Shores Resort Development, Consistent with the Conditions and Requirements of California Coastal Commissions Coastal Development Permit (CDP) A-3SNC-98-114, Issued November 9, 2015 was made by Council Member Hubler, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 7, PUBLIC HEARINGS

A. SECOND READING: Ordinance of the City Council of the City of Sand City authorizing Implementation of a Community Choice Aggregation Program

City Administrator Todd Bodem reported that at the March 7, 2017 Sand City Council meeting, the Council approved the first reading of the attached Ordinance. Six agencies have placed this item on their agenda for final action. Staff recommends approval of the Second Reading of the Ordinance authorizing implementation of a Community Choice Aggregation Program. If the Council passes this item they will need to appoint a representative and alternate to the JPA Board.

Council Member Kruper suggested that the appointments be withheld until the Council is reorganized. The Mayor commented that the Council should proceed with the item as recommended.

5:45 P.M. Floor opened for Public Comment.

Dan Nelson of the Romero Institute commented that ten agencies have already done a second reading. The Salinas City Council is presently hearing this item and should vote unanimously.

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

Motion to approve by title only, the Second Reading of the Ordinance of the City Council of the City of Sand City authorizing Implementation of a Community Choice Aggregation Program made by Council Member Kruper, seconded by Council Member Blackwelder. Roll Call Vote AYES:

Council Members Blackwelder, Carbone, Hubler, Kruper. NOES: Council Member Pendergrass. ABSENT: None. ABSTAIN: None.

B. Consideration of City RESOLUTION Approving Conditional Use Permit 611 for Bernie & Kirsten Riphenburg of Visions Design Center authorizing a Distribution and Delivery Center at 701 California Avenue

The Mayor commented that this item was continued by consensus of the Council to the April 4, 2017 Sand City Council meeting due to a clerical error.

5:50 P.M. Floor opened for Public Comment.

There was no comment from the Council.

5:50 P.M. Floor closed to Public Comment.

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

C. Consideration of City RESOLUTION Approving Coastal Development Permit 17-03 for Ioan Szasz authorizing a Curator Storage, Distribution, and Office Operation at 1807-A Contra Costa Street

City Planner Charles Pooler presented an application submitted by Ioan Szasz to establish a curator operation within a 3,000 square foot commercial unit for office, storage, shipping/receiving, publishing, and sales of Eyvind Earle artwork, prints, books and videos. The property is 50'x80' within a two-story multi-use building, with mixed residential and commercial office units on the upper level. Artwork/materials stored on-site will include original paintings, serigraphs, books and videos. There are no printing machines to be used/stored on-site and no art production is intended. Shipments/deliveries will be infrequent and irregular. Zoning Code Section 18.64.050.S requires 3 parking spaces for a warehouse use and the location does not provide regulation on-site parking along the Contra Costa frontage. Parking at the top of the Contra Costa Street accommodates various tenants. Staff recommends the subject property's owner provide the City a written statement that specifies where the (3) parking spaces will be reserved for the proposed use without conflicting with other reserved parking for other building tenants. Intended hours of operation will be from 9:00 a.m. to 5:00 p.m., Monday through Friday. Due to residential units on the upper level, staff recommends shipments/deliveries occur between the hours of 10:00 a.m. to 6:00 p.m., Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturday. Staff does not anticipate negative impacts from the proposed use and recommends approval of the attached permit with conditions as specified.

5:55 P.M. Floor opened for Public Comment.

The applicant Ioan Szasz commented that he has been in business for 30 years in Monterey. The location will be primarily used as storage with the main gallery located in Carmel. The Mayor asked if he was in agreement with the conditions of the use permit. Mr. Szasz replied that he is in agreement with permit conditions.

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

Motion to approve the City **Resolution by title**, approving Coastal Development Permit 17-03 for Ioan Szasz authorizing a Curator Storage, Distribution, and Office Operation at 1807-A Contra Costa Street was made by Council Member Carbone, seconded by Council Member Kruper. 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 19 acre feet of water and may exceed 25 acre feet this month. California American Water suggested that the City contract with Interra, a water resources consulting firm regarding the intake wells project and scope of work. C&D Engineers will provide design of the well, associated pipelines, details and overall preparation of the construction documents, including any plans required by the Coastal Commission and overall project coordination. Interra will provide hydrogeological analysis, well and pump specifications, pump test evaluation, peer review of the well design, and development of the drilling scope of work.

The City Planner and Engineer are working to revise/update minutes from the conference call held on February 24, 2017 regarding the Proposition 1 Technical Assistance Grant. A work plan will be developed for approval by the State Water Board. The Porsche Site Improvements project is being performed by Monterey Peninsula Engineering (MPE) and is expected to be completed by early to mid-April, 2017. The developer for the Bungalows at East Dunes Phase 2 project is in plan check to obtain building permits for lots 4, 5, 6, 7, 8, 9, & 10. The City Engineer has received the report and map from the pothole contractor, Mark Nicholson, Inc., for the Hickory Street Improvement Project and is currently incorporating information into the project plans. An updated plan from the project engineer showing proposed utility location with California Avenue for the Monterey Bay Shores project was recently received by Staff. At this

point, the project engineer is coordinating with Caltrans District 5 to obtain recorded information for existing traffic.

City Planner Pooler commented that the City Administrator's report contains information related to the planning department. Mr. Fasulo, the Code Enforcement Officer has been in contact with the City and property owners who are in violation.

The City Administrator reported that the 180 day extension has been approved by the City for the Monterey Bay Shores project for the grading. The City applied for grant funding for the GIS mapping system.

In response to the Mayor regarding the Daiz Street Improvement project, City Engineer Leon Gomez reported that the Diaz project has been halted, due to the search for a new contractor who has history doing this type of work. The property owner has failed to provide samples of his work even though he is a general contractor, and after Staff has requested it three times. The Mayor expressed his concern regarding future liabilities to the City should anyone trip/fall in the area.

AGENDA ITEM 9, NEW BUSINESS

Agenda item 9A was considered following the Consent Calendar.

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

Vice Mayor Carbone reported on her attendance to the 2017 Monterey County Outstanding Women's Awards Dinner and expressed her congratulations to the women. She also pointed out the advertisement to this year's West End Celebration.

The Mosquito Abatement District decided to not expand its resident outreach area with LAFCO due to excessive costs associated with the program.

C. Upcoming Meetings/Events

There were no RSVP's for upcoming events/meetings.

AGENDA ITEM 10, 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, April 4, 2017 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 6:15 p.m.

