

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

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Regular Meeting – April 18, 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 Robert Hellam.

The Pledge of Allegiance was led by Commander Vito Graziano.

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  
Vito Graziano, Commander  
Linda K. Scholink, Director of Administrative Services  
Charles Pooler, City Planner

**AGENDA ITEM 4, COMMUNICATIONS**

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

Mayor Pendergrass thanked City Administrator Bodem for his City Administrators report.

- B. Oral

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

There were no comments from the Public.

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

The Mayor commented that Agenda item 5G will be pulled from the Consent Calendar due to possible conflicts regarding the subject property.

**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 #216, Skips Auto Parts (machine shop), 371 Orange Avenue
  - 2) CUP #246, Inter-City Manufacturing (manufacturing), 501 Redwood Avenue
  - 3) CUP #253, Barry Hartzell Auto (automotive), 510 & 520 California Avenue
  - 4) CUP #504, Detail Associates (wholesale), 679-B Redwood Avenue
  - 5) CUP #188, Empire Restoration (auto), 531 Elder Avenue  
CUP #405, Paley (art studio), 1788 Holly Street
  - 6) CUP #518, Post No Bills (type 42 bar), 600 Ortiz Avenue, Suite 101
- B. There was no discussion of the April 4, 2017 Sand City Council Meeting Minutes.
- C. There was no discussion of the Police Department Monthly Activity Report, March 2017.
- D. There was no discussion of the Public Works Monthly Report, March 2017.
- E. There was no discussion of the City **Resolution** approving Time Extensions to July 31, 2017 of Multiple Conditional Use Permits (CUPs 450, 503, 508, 527, 532, 540, 541, 576, 578, 588, 589, 590, 594, & 595) and Coastal Development Permit 14-01 and 15-02 to continue as interim uses at their respective locations within the South of Tioga Area.
- F. There was no discussion of the Fort Ord Reuse Authority (FORA) Monthly Report, April 2017.
- G. Approval of the Successor Agency **Resolution** authorizing its Executive Director to Enter into the First Amendment to that Certain Agreement to Sell Certain Real Property to Urban Atelier, LLC was pulled from the Consent Calendar and considered under item 6.
- H. There was no discussion of the City **Resolution** approving an Allocation of \$3,600 to Community Human Services.

Motion to approve the Consent Calendar items 5A-F and 5H was made by Council Member Kruper, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None, ABSENT: None. Motion carried.

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

*{Council Members Blackwelder and Hubler stepped down from the dais due to a possible*

*conflict of interest while residing within 500' of the subject property}*

There was no discussion regarding the Successor Agency **Resolution** authorizing its Executive Director to Enter into the First Amendment to that Certain Agreement to Sell Certain Real Property to Urban Atelier, LLC.

Motion to approve the Successor Agency **Resolution** authorizing its Executive Director to Enter into the First Amendment to that Certain Agreement to Sell Certain Real Property to Urban Atelier, LLC was made by Agency Member Carbone, seconded by Agency Member Kruper. AYES: Agency members Carbone, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Agency Members Blackwelder, Hubler. Motion carried.

*{Council Members Blackwelder and Hubler returned to the dais}*

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

### **A. Consideration of City RESOLUTION Approving Conditional Use Permit 613 for Chad Hubman allowing an Ornamental Metal Workshop at 361-A Orange Avenue**

City Planner Charles Pooler presented an application submitted by Chad Hubman to establish an ornamental metal workshop within a commercial unit at 361-A Orange Avenue. The subject property is a one story 50'x 50' commercial building divided into two units. The Applicant intends to use the western unit of the building. Equipment to be used on-site includes a Tungsten Insert Gas "Tig" welder, other welding equipment, a 3-piece mill, lathe, and an assortment of hand and power tools. No hammering equipment or saw cutting was identified and the Applicant informed Staff that this use does not involve hammering or saw cutting of metal. The use will occupy 1,430 square feet which requires two on-site parking spaces and the site provides adequate on-site parking. Intended hours of operation are 8:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 4:00 p.m. on Saturdays. Considering the potential impacts of a metal workshop, Staff recommends that operational hours be only between 9:00 a.m. and 5:00 p.m. Monday through Friday, and 10:00 a.m. to 4:00 p.m. on Saturdays with no manufacturing activities beyond those times, on Sundays or City recognized public holidays. The Applicant has one company truck and one forklift for the transportation of welding equipment and unloading of steel materials from delivery trucks. The permit should require that both company vehicles be parked inside the building during non-business hours. Deliveries of materials are to be twice per month on a 53' long trailer/truck limiting traffic flow along the 300 block of Orange Avenue which is not a through street. Trucks making deliveries should maintain a minimum of one drive lane open, not block or impede access to neighboring properties, and parked for only a limited amount of time to conduct loading/unloading activities. Then delivery should not pose an issue.

Metal workshops have the potential to create negative impacts, depending upon specific activities, the scale of operation and the operator's efforts to

minimize impacts. Hammering or saw/blade cutting of metal can create excessive noise and vibrations. Staff recommends the permit prohibit hammering and saw/blade cutting of metal, and if a permit is issued it should also prohibit any outside storage and manufacturing activities beyond the confines of the unit.

In late 2016, the Applicant moved into the subject property with repeated contact by City Staff about first obtaining a use permit and business license. Since the occupation of the subject property, Staff received a number of complaints about outside storage of equipment, materials, vehicles, and performing manufacturing activities without City zoning approval or a City business license. The Planning Department sent the City's Code Enforcement Officer on February 27<sup>th</sup> to inspect the property. Only then did the Applicant respond with submission of an application and fees, and the cleaning up of the property's parking lot. Based on these circumstances, Staff has concerns about the Applicant's ability to comply with the restrictions of a use permit. Due to these concerns, Staff recommends including a condition for a "Probationary Period" of six (6) months to determine the effectiveness of the permit conditions and the Applicants cooperation in mitigating impacts. If the Applicant fails to adequately mitigate impacts and/or his operation poses a nuisance or blighting influence, then a public hearing can be scheduled for City Council consideration to terminate the Permit. If the City Council decides to approve a conditional use permit for the Applicant's use, then the permit should contain the conditions/restrictions outlined in Staff's recommendations.

Council Member Kruper commented and expressed his concerns regarding the parking of trucks, the difficulty of working on projects while the trucks are being pulled in and out of the building, and the attraction of the general public to the work site while projects are being constructed.

City Planner Pooler commented that Condition #5 addresses this issue and does not prohibit the applicant from parking his vehicles outside while he is doing work inside. The question is how often the equipment will be stored outside and if complaints will be received.

5:40 P.M. Floor opened for Public Comment.

The applicant Chad Hubman commented that he is excited to be in Sand City, looks forward to growing, is in the perfect spot to showcase his work, and looks forward to participating in the West End Celebration. He would be very excited for the public to be able to view his work.

In response to Council Member Blackwelder's question regarding what kind of fabrication work Mr. Hubman will be doing, Mr. Hubman answered that he will be doing some ornamental iron work, railings, and an assortment of metal work.

The Mayor asked Mr. Hubman if he was in agreement with the conditions of the use permit, Mr. Hubman responded that he was in agreement with permit

conditions.

Bill Enders a local business owner who has been in business for 45 years, builds motorcycles, and is familiar with the metal fabrication process commented that Mr. Hubman's business would allow him to grow as a person, as well as grow his business. Sand City would give him this opportunity and is worthy to be able to conduct business within the City.

Richard Garza, a Sand City property owner who has the adjacent mixed use property next to the applicant's, expressed health and safety concerns, noise, fumes, dust, and smells. His residential property faces Orange Avenue and will be subject to any fumes. He feels that the West End is a "free-for-all" and would like to ensure that all the rules are followed.

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

Council Member Blackwelder expressed his concerns regarding loading/unloading activities also associated with other businesses in the area, the inability to drive on the street, vehicles parked across the street, and remedies to mitigate noise impacts from business activities. City Planner Pooler reported that the City's Code Enforcement Officer is addressing the illegal residential occupancies occurring in the area, and businesses along the 300 block illegally parking vehicles.

There was Council discussion regarding inspections made to the property, conditions contained in the use permit that address issues specific to the applicants use, and previous revocation of permits that were not following the conditions outlined in the use permits that were issued to them.

City Planner Charles Pooler recommended that language be added to Condition No. 9 to read, "*Any large sculpture manufactured on site may be kept in the parking area outside the building unless otherwise directed by the planning department, but shall not occupy more than one parking space.*"

Motion to approve the City **Resolution by title, as amended**, approving Conditional Use Permit 613 for Chad Hubman allowing an Ornamental Metal Workshop at 361-A Orange Avenue was made by Council Member Kruper, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: 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 17

acre feet of water through April 17, 2017. The City has received a proposal from Interra to provide support services to the City for the Sand City Water Supply Project new intake wells. Interra has proposed to provide both "pre-drilling and drilling program" services to the City for a total proposal of \$160,000. Creegan & D'Angelo is currently reviewing the scope of work to determine if all the proposed services are required.

The Porsche Site Improvement project has been completed by Monterey Peninsula Engineering (MPE). Staff met with the applicant's engineer for the Bogue residential project (1843 Park Avenue) to review and discuss the project, conditions of approval, and to schedule submittal of an application to obtain a building permit. On Friday, April 14, 2017, the dry utility contractor began installation of utilities to serve the Bungalows at East Dunes project, resulting in temporary closure of Ocean Avenue. The contractor accidentally unearthed and damaged a City irrigation line that provides irrigation water to landscaping at Sylvan Park and behind City Hall. Benchmark Communities was contacted and will replace the portion of the damaged irrigation line. The City Engineer provided City Staff with a Staff report and resolution to request authorization from the City Council to advertise the Hickory Street Improvement Project go out for public bidding.

City Planner Charles Pooler reported that Staff met with the Dustin Bogue project on Park Avenue. The meeting discussed the overhead lines, pole lights and review of the photometric sheets. Underground conduits will be installed with overhead lines installed at a pole. A compromise was made regarding the cost for undergrounding and the work to be performed estimated at \$53,000 versus an original amount of over \$100,000 to underground the whole section. Mr. Bogue will be doing his segment, prorating the expenses for undergrounding of the whole street.

Council Member Blackwelder requested that a progress report be provided to the Council from the Code Enforcement Officer on the progress of properties that he has inspected within the City. Council Member Kruper suggested sending the report to the Public Safety Committee. The Mayor commented that the report should be submitted to the Public Safety Committee prior to its submittal to the City Council.

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

### **A. Acceptance of City RESOLUTION Recognizing Mayor David K. Pendergrass for 39 Years of Exemplary Service to the City of Sand City**

City Administrator Todd Bodem commented that over the last 2<sup>1/2</sup> years in his experience working with the Mayor, he has found the Mayor to be authentic and true to his heart. He has appreciated his time spent with the Mayor, and the attached resolution was written on his behalf honoring his many accomplishments and expressing the City's appreciation for his hard work to make Sand City what it is today.

The Mayor commented that he hopes the Resolution passes. It is hard to believe that 39 years have passed. He was born here, has experienced how the City had been in the past, and related his introduction to politics and serving on the City Council. The Council has a good foundation to build upon, and should not lose the vision for the progressive movement of Sand City. He thanked the City Council for their support over the last several years. The history wall contains many memories of Sand City's progress and hopes that the new City Council will maintain the spirit of strength, to remember the pledge, and the invocation during its Council meetings.

Motion to approve the City **Resolution, by title** recognizing Mayor David K. Pendergrass for 39 Years of Exemplary Service to the City of Sand City was made by Council Member Kruper, seconded by Council member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper. NOES: None. ABSENT: None. ABSTAIN: Council Member Pendergrass. Motion carried.

At the request of Vice Mayor Carbone, the City Administrator Todd Bodem read the Resolution.

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

**B. Consideration of City RESOLUTION to Provide Authorization to Advertise for the Hickory Street Improvement Project for Public Bidding**

City Engineer Leon Gomez reported that the attached resolution is to provide authorization to advertise for the Hickory Street Improvement Project for public bidding. He referred to the diagram of where the street curb extensions will be located, preservation of parking on the west side of Hickory Street, parking stalls, tree bulb outs, and drainage improvements. The engineer's estimate is \$320,000 to \$360,000 for the project. A request for bids will be submitted by the end of the week, with a bid opening scheduled for May 10<sup>th</sup>. Staff expects to award the project by May 16, with an expected completion date by early July, 2017.

There was Council discussion regarding the relocation of the fire hydrant, removal of the bollard, and removal of the six foot wall.

6:24 P.M. Floor opened for Public Comment.

Sand City Resident Dierdre Bascou inquired as to the purpose of the bulb outs when parking is such a premium? City Planner Pooler answered that the purpose of the bulb outs is to get vehicles to slow down, drivers to pay attention to their driving, and to accentuate the pedestrian corridor. No one project will make everyone happy, and several years ago it was discussed in the update of the City's general plan to include pedestrian safety which the bulb outs provide.

6:27 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution by title**, to provide Authorization to Advertise for the Hickory Street Improvement Project for Public Bidding was made by Council Member Kruper, seconded by Council Member Carbone. AYES: Council Members Carbone, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder, Hubler Motion carried.

*{Council Members Blackwelder and Hubler returned to the dais}*

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

Council Member Hubler commented that it has been a pleasure to serve with Mayor Pendergrass, and thanked the Mayor for helping him to serve in this capacity and for the aspiration he provided. Mr. Hubler expressed that he is proud to have served with the Mayor throughout the years.

Council Member Carbone reflected on the first day Mayor Pendergrass asked her if she was interested to serve on the City Council. The last 30 years have been great serving on the City Council and having the Mayor as a neighbor.

Council Member Blackwelder commented that he agrees with the Vice Mayor. What has happened within the Council is the improvement of the Community without high political aspirations. The Mayor provided a vision for the City and the tenacity to make it happen.

**D. Upcoming Meetings/Events**

There were no RSVP's from the Council.

**AGENDA ITEM 10, ADJOURNMENT**

Motion to adjourn the City Council meeting was made by Council Member Hubler, seconded by Council Member Kruper, to the next regularly scheduled Council meeting on Tuesday, May 2, 2017 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 6:37 p.m.

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Linda K. Scholink, City Clerk