

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

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Regular Meeting – July 18, 2017  
5:30 P.M.  
CITY COUNCIL CHAMBERS

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Mayor Carbone opened the meeting at 5:32 p.m.

The Pledge of Allegiance was led by Chief Brian Ferrante

Present: Mayor Carbone  
Vice Mayor Blackwelder  
Council Member Hubler  
Council Member McDaniel  
Council Member Hawthorne

Staff: Todd Bodem, City Administrator  
Jim Heisinger, City Attorney  
Leon Gomez, City Engineer  
Brian Ferrante, Police Chief  
Connie Horca, Deputy City Clerk

**AGENDA ITEM 4, COMMUNICATIONS**

Members of the public may address the City Council/Successor Agency on matters not appearing on the City Council/Successor Agency Agenda at this time for up to three minutes. In order that the City Clerk may later identify the speaker in the minutes of the meeting, it is helpful if speakers state their names. Public comments regarding items on the scheduled agenda will be heard at the time the item is being considered by the City Council/Successor Agency.

The City Council Chambers podium is equipped with a portable microphone for anyone unable to come to the podium. If you need assistance, please advise the City Clerk as to which item you would like to comment on and the microphone will be brought to you.

A. Oral

5:34 P.M. Floor opened for Public Comment.

Sand City Resident Bingta Francke who lives at the Independent expressed her concerns regarding three abandoned vehicles located at the Independent's parking lot. At a previous Council meeting that approved an automotive upholstery business, concerns regarding parking were addressed. The vehicle license registrations have expired on these vehicles and they create an eye-sore

to the community. The information was provided to the attendant manager and owner of the building. Ms. Bingta would like to know if something can be done and whether there is an ordinance that addresses this issue.

Chief Ferrante commented that the location where the vehicles are parked is private parking and it would be up to the Independent to have these vehicles removed or towed. Ms. Francke provided photographs to Chief Ferrante.

Sand City Resident Michael Morris congratulated the new Council appointees and addressed his concerns regarding camping in the dunes. He walks the ridgeline and as he looks down camp sites appear in disarray with refuse strewn around them. It would be nice to have signs that include the City's ordinance number indicating that there is 'no camping' along the beach. Mr. Morris addressed the lights along Sand Dunes Drive and commented that replacing them with LED lights would not be feasible as they cause excessive glare. He suggested that the Council consider keeping the current type of lights that are presently there as the hue is attractive and does not detract from the ocean view.

Mayor Carbone commented that the City is looking at replacing the lights along the bike path. The Mayor added that the City is researching all possibilities of replacing the current lights.

5:43 P.M. Floor closed to Public Comment.

B. Written

Mayor Carbone provided information for the public regarding Legislative Updates that are happening in Sacramento.

Council Member Hawthorne requested that Agenda items 5C and 5F be pulled for further discussion. Mayor Carbone commented that Agenda Items 5C and 5F be pulled and considered under Agenda item 6.

## **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 #377, Hartzel Automotive (auto), 510-A California Avenue
- (2) CUP #399, Edgewater Center, (retail/multiple sites), 915, 925 Playa & 2030 California

- (3) CUP #419, Carmel Tile/Doubleday (showroom/storage), 1725 Contra Costa
- (4) CUP #368, Jersey's (food service), 832 Playa Avenue
- (5) CDP 11-09, Rebecca Bernstein (hydrotherapy), 1807-B Contra Costa

- B. There was no discussion of the June 20, 2017 Sand City Council Meeting Minutes.
- C. Acceptance of the Police Department Monthly Report, June 2017 was pulled from the Consent Calendar and considered under agenda item 6.
- D. There was no discussion of the Public Works Monthly Report, June 2017.
- E. There was no discussion of the City/Successor Agency Monthly Financial Report, May 2017.
- F. Approval of the City **Resolution** approving Time Extensions to October 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 was pulled from the Consent Calendar and considered under agenda item 6.
- G. There was no discussion of the City **Resolution** for Professional Planning Services Agreement Amendment #2 with EMC Planning Group to include additional \$225,000 to the Original and Amended Agreements for Fiscal Year 2017- 2018 related to the South of Tioga Development's for Staff Assistance, Biological Permits, and Environmental Review.
- H. There was no discussion of the City **Resolution** Making New Appointments of Elizabeth "Libby" Sofer and Don Davis to the Sand City Design Review Committee until January of 2018.
- I. There was no discussion of the City **Resolution** Authorizing a Time Extension of the Building Inspection and Plan Check Services Agreement with the City of Monterey to June 30, 2018.

Motion to approve the Consent Calendar items 5A-B, D-E, and G-I was made by Council Member Blackwelder seconded by Council Member Hawthorne. AYES; Council Members Blackwelder, Carbone, Hubler, McDaniel, Hawthorne. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

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

### **Agenda item 5C – Acceptance of Police Department Monthly Report, June 2017**

Council Member Hawthorne commented on the increase of police activity in burglaries, petty thefts, health and safety codes, fraud embezzlement and adult felony arrest and misdemeanors. Chief Ferrante explained that the items mentioned are the pro-active efforts of the police officers who have been making these arrests. The petty theft and drug related offenses are high and is directly related to Proposition 47 that reclassifies petty crimes as misdemeanors. Drug addicts are now issued citations instead of being arrested for crimes they commit to finance their drug habits. Proposition 57 has released non-violent criminals back onto the street and the reclassification of felonies has allowed for the release of felons who commit these crimes.

Council Member Blackwelder commented on the City's choice of Chief Ferrante as the new Chief of Police and that his leadership is demonstrated through the proactive work of Sand City's police officers.

**Agenda item 5F-Approval of the City Resolution approving Time Extensions to October 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**

In response to Council Member Hawthorne's question of why the rock gym was not on the resolution approving time extensions of conditional use permits, Mayor Carbone responded that the use permit for the Sanctuary Rock Gym will go before the Council in August as it is reviewed on an annual basis.

Motion to approve the Consent Calendar items 5C and 5F was made by Council Member Hawthorne, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, McDaniel, Hawthorne. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

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

- A. Consideration of an ORDINANCE of the City of Sand City Amending Certain Provisions of the Sand City Municipal Code To Make Non-Substantive Grammatical and Spelling Changes; To Remove Redundant Provisions; To Grant the City Clerk Authority to Maintain and to Re-Publish the Code; To Update Municipal Code Penalty Sections in Order to Remove Redundant Provisions and to Raise Penalty Amounts to Those Allowed Under State Law**

City Attorney Jim Heisinger commented that the municipal code was created back in 1987, and that the City has contracted with Quality Code Publishing (QCP) to update the current municipal code. In the past, the code had been maintained through Mr. Heisinger's office along with the assistance of City staff. This was an opportune time to review the code

and to go through grammatical errors, non-substantive changes, and removing redundant materials. The Staff report referred to on page 120 depicts these changes as strikethroughs, and further provides language for uniformity of penalty codes. There is some modernizations and gender neutral language also included in the changes as well. Exhibit A, Page 143 depicts the editorial style and procedures which are based on the Associate Press (AP) Style Handbook. Should the Council adopt the ordinance it will become effective 30 days upon approval following the second reading. The ordinance along with changes will be sent with the draft code to the publisher and shortly thereafter should be published online. The City Clerk will distribute updates to be inserted into the new municipal code books as they are adopted and approved. Staff will be coming back to the Council with individual ordinance's (i.e sleeping in cars, case law, and federal court law) as well as substantive changes within the next few months.

In response to Mayor Carbone's question regarding the amount of time it takes to keep updating the ordinances, Mr. Heisinger replied that Vibeke Noorgard was hired by the City to assist with updating the municipal code and has formulated a list of ordinances that need updating. Some of the work has already been completed, such as case law involving massage parlor's that is no longer enforceable. Ms. Noorgard wrote a new ordinance to address this change and will be presented to the Council within the next few months.

City Administrator Todd Bodem expressed his appreciation to Jim and Vibeke for the work they have put into updating the municipal code, as it is a time consuming and detailed project.

6:15 P.M. Floor opened for Public Comment.

There were no comments from the Public.

6:15 P.M. Floor closed to Public Comment.

Motion to approve the First Reading: **Ordinance by title**, of the City of Sand City Amending Certain Provisions of the Sand City Municipal Code To Make Non-Substantive Grammatical and Spelling Changes; To Remove Redundant Provisions; To Grant the City Clerk Authority to Maintain and to Re-Publish the Code; To Update Municipal Code Penalty Sections in Order to Remove Redundant Provisions and to Raise Penalty Amounts to Those Allowed Under State Law was made by Council Member Hawthorne, seconded by Council Member Blackwelder. Roll Call Vote AYES: Council Members Blackwelder, Carbone, Hubler, McDaniel, Hawthorne. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

## **AGENDA ITEM 8, 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 reported that the desalination plant produced 17 acre feet of water for the month of June which is slightly lower due to Cal-Am performing maintenance on the plant for approximately one and half weeks. Staff discussed the new intake wells project with the Coastal Commission (CC) regarding the geophysical work. The CC would like staff to file a new immaterial amendment to the current Coastal Development Permit (CDP) for the wells which needs to be prepared and submitted by the end of this week to make the August 9<sup>th</sup> CC meeting. Should submission of the permit be approved, another 'prior to issuance special condition' will be added to the City's coastal permit requiring the geophysical work be performed immediately in order to obtain a permit of the new wells. The Hickory Street project is well underway and moving steadily forward. Staff did encounter a concrete thrust block in the alignment of the proposed storm drain and is being realigned with revisions to the current plan work. The contractor has provided the City with a project schedule and is expected to be completed prior to the West End Celebration. Any deviations to the plans need to be approved and documented by the City Engineer's office. On Wednesday, July 19, 2017 Staff will be attending a California Financing Coordination Committee (CFCC) Fair. The CFCC is an agency that awards funds for various infrastructure projects, and Staff will explore if any funding is available for City improvement projects. The Transportation Agency for Monterey County (TAMC) will be performing traffic counts along Playa Avenue beginning in August and should run through May of 2018. There should be no traffic impacts during the study. The City's Federal Emergency Management Assistance (FEMA) request for public assistance report was received from the California Offices of Emergency Services. The request was for funding to repair and restore the access at the end of West Bay Street.

Mayor Carbone received clarification regarding the purpose of the concrete thrust block on Hickory Street and an update on the water pipes from the City Engineer.

**AGENDA ITEM 9, NEW BUSINESS**

**A. Consideration of City RESOLUTION Continuing and Updating the Appointments to Various Local and Regional Agencies and Boards Effective July 18, 2017**

Mayor Carbone commented that there is Staff recommendation to approve the attached resolution updating the Committee Appointments list. In addition, she requested that the list be amended and her name be

removed from the West End Oversight Committee as only two Council members may serve on any given committee per Brown Act rules.

City Administrator Bodem commented that the Mayor thoroughly reviewed and evaluated the Committee list with much thought and Staff recommends approval with the amendment to remove Mayor Carbone from the West End Oversight Committee.

6:35 P.M. Floor opened for Public Comment.

There was no comment from the Public.

6:35 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution as amended**, Continuing and Updating the Appointments to Various Local and Regional Agencies and Boards Effective July 18, 2017 was made by Council Member Hubler, seconded by Council Member McDaniel. AYES: Council Members Blackwelder, Carbone, Hubler, McDaniel, Hawthorne. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

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

Council Member Hawthorne commented on the vacancies on the Arts Committees and mentioned that should anyone in the audience be interested in the position to contact Mr. Hubler.

Mayor Carbone commented that the City received an award from AMBAG for being a Clean City. A certificate of recognition was also presented to Eileen Auvil as a Champion of the Arts Nominee. Her name was submitted by Arts Committee Chair Hubler. The Mayor reported that at the Fort Ord Reuse Authority (FORA) meeting in which Senators Monning, Stone and Cannella attended, they reported on several Legislative Updates taking place in Sacramento. Mayor Carbone summarized these updates for the audience and mentioned that funding will be allocated towards homelessness, water, affordable low to moderate income housing programs, the Central Coast Veterans Cemetery for in ground burials, and approval of campgrounds at Fort Ord Beach.

**C. Upcoming Meetings/Events**

There were no RSVP's from the City Council.

**AGENDA ITEM 10, ADJOURNMENT**

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Hawthorne, to the next regularly

scheduled Council meeting on Tuesday, August 1, 2017 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 6:50 p.m.

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Connie Horca, Deputy City Clerk