

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

Regular Meeting – September 5, 2017
5:30 P.M.
CITY COUNCIL CHAMBER

Mayor Carbone opened the meeting at 5:30 p.m.

The invocation was led by Reverend James Alexander.

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
Charles Pooler, City Planner

AGENDA ITEM 4, COMMUNICATIONS

A. PUBLIC COMMENT

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

Sand City Resident Bingta Francke, commented that the West End Celebration was a great event; however, she was very displeased that on several occasions she had to show her identification to be allowed inside her residence located at 600 Ortiz Avenue. She suggested that next year residents can possibly be provided a lanyard indicating that they reside at the building and may come and go from their residence during the event. Ms. Francke also addressed the issue of having no air conditioning inside the Independent. She notified Saratoga Capital who is the management Company that oversees the building owned by Mr. Orosco. Ms. Francke concluded that the management company said they would remedy the issue, but have not, and it would be beneficial to the residents that this matter be addressed befitting the rent that is paid.

Louise Miranda Ramirez Chairwoman of Esselen Nation, representing the Indigenous People of Monterey County commented that she is happy to work with Sand City and is grateful for the work involved in recognizing the indigenous people in the area.

5:39 P.M. Floor closed to Public Comment.

B. ANNOUNCEMENTS BY MAYOR AND/OR CITY ADMINISTRATOR

Mayor Carbone commented that Council Members Blackwelder and Hawthorne have a possible conflict of interest with Agenda item 7B. A handout by the Esselen Nation regarding their organization was provided to the Council and audience.

AGENDA ITEM 5, CONSENT CALENDAR

- A. There was no discussion of the Sand City Council Meeting Minutes, August 15, 2017.
- B. There was no discussion of the Sand City Sales Tax Update (Jan-Mar. 2017).
- C. There was no discussion of the City **Resolution** proclaiming October 15 to October 21, 2017 as “Freedom from Workplace Bullies Week”.
- D. There was no discussion of the City **Resolution** authorizing the Mayor to Enter into a Memorandum of Understanding for the Designation of Lead Agency by and among the Cities of Monterey, Marina, Sand City and Seaside for the Sand Compatibility and Opportunistic Use Program (SCOUP) Environmental Review.

Motion to approve the Consent Calendar items was made by Council Member Hubler, seconded by Council Member McDaniel. AYES: Council Members Blackwelder, Carbone, Hubler, Hawthorne, McDaniel. 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 HEARING

- A. **Consideration of City RESOLUTION Approving Conditional Use Permit 617 for Sculpture Works Allowing an Ornamental Metal Workshop at 637-A Ortiz Avenue**

An application was submitted by Frederick & Lorie Saunders to establish an ornamental metal workshop at 637-A Ortiz Avenue. The commercial

building, with 20-foot setbacks on both street frontages, is divided into four units, two units facing Ortiz Avenue and two units facing Redwood Avenue. The Applicants' unit is approximately 1,475 square feet. The Applicants propose to use the Subject Property to create metal-based art pieces and sculptures, ornamental furniture, antique restoration, and patinas utilizing varied materials though predominately metals. Wood, glass, and plastics would also occasionally be utilized. Intended hours of operation are from 8:00 a.m. to 5:00 p.m. Monday through Friday, and 9:00 a.m. to 4:00 p.m. on Saturdays. Staff recommends manufacturing activities on-site be limited to occur only between 8:00 a.m. to 5:00 p.m. Monday through Friday and 10:00 a.m. and 5:00 p.m. on Saturdays. This is consistent with permits issued for other manufacturing operations, to mitigate potential noise and vibration impacts to nearby residential dwellings. Office activity beyond these hours is allowable. The Applicants will occupy approximately 1,475 square feet, which requires two (2) on-site parking spaces for manufacturing use. Three spaces are in front of the Applicants' 25-foot wide frontage. There is adequate on-site parking for both the proposed use and the adjacent glass company operation. Shipping to and from the Subject Property will be infrequent. The Applicants make most of their product deliveries themselves. The permit should restrict large box truck and/or trailer truck deliveries to the Subject Property to minimize impediments to vehicular traffic on Ortiz Avenue as this is considered a main street.

Material Safety Data Sheets (MSDS) were submitted to the City and reviewed with the City's Fire Department who found the materials and quantities acceptable. Metal workshops have the potential to create negative impacts, depending upon certain activities, the scale of operation, and the operator's efforts. This operation does include the use of a band saw for metal cutting and there is an occasional use of a hammer and anvil. The Applicants' state that the metal cutting equipment makes very little noise and that the hammer activities will be extremely rare. Staff recommends the permit limit hammering activities to the inside of the unit with the roll-up doors closed and that padding and/or acoustical insulation be installed. The permit should prohibit outside storage and manufacturing activities beyond the confines of the Applicant's unit. Staff recommends approval of a conditional use permit for the Applicants, with the conditions/restrictions proposed by staff.

Council Member Hawthorne reassured the Council that the applicant does keep manufacturing activities inside.

Council Member McDaniel added that she has walked in the vicinity of Mr. Saunders business while he was performing a saw cutting, and the noise impact was very minimal.

5:43 P.M. Floor opened for Public Comment.

The applicant, Fred Saunders commented that he has been in Sand City for over 28 years and is fortunate to be able to conduct his business within the City.

Sand City resident Libby Sofer commented that she has had the pleasure of working with Mr. Saunders and is not bothered by business activities located within his workshop.

In response to Mayor Carbone's question whether Mr. Saunders was in agreement with the conditions of the use permit, Mr. Saunders responded that he is in agreement with permit conditions.

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

Council Member Hubler commented that as a fellow employee and business associate, he is happy to have Fred Saunders in Sand City.

Motion to approve the City **Resolution** approving Conditional Use Permit 617 for Sculpture Works Allowing an Ornamental Metal Workshop at 637-A Ortiz Avenue was made by Council Member Hubler, seconded by Council Member Hawthorne. AYES: Council Members Blackwelder, Carbone, Hubler, Hawthorne, McDaniel. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

{Council Members Blackwelder and Hawthorne 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 to Approve Coastal Development Permit 17-04 (Inclusive of Site Plan and Design Review) for the Wilsons Properties LTD Partnership regarding a Commercial Development and Rehabilitation Project on the 500 Block of Shasta Avenue

An application was submitted by architect Allen Robinson representing the Wilson's Properties Ltd. Partnership to 1) develop an approximate 10,000 square foot 2-story commercial building on a 14,430 square foot property, 2) apply new facade treatments to an existing building on the westerly abutting property at 534 Shasta Avenue, 3) install new concrete driveway parking pavement for the new building, the abutting building, and the commercial building across the street, and 4) install street improvements to include curb, gutter, sidewalk, drive aprons, and street pavement. The Applicant also seeks permit approval to allow expansion of the existing Gene's Import Auto Body operation, into the upper level of the proposed New Building, and approval to allow the property owner to conduct personal storage within the lower level of the New Building.

The abutting building currently provides four (4) parking spaces. The building across the street provides eleven (11) for a sum of twenty-one. The Zoning code states that major automotive repair uses are required to

have five (5) parking spaces per work bay. Staff recommends that additional parking be provided to accommodate this use and that the vacant property abutting the east side of 531 Shasta Avenue be paved, improved, and striped as parking to serve the New Building. The northeast corner of the New Building is of sufficient size for the incorporation of 2 trees, which staff recommends. A complete landscape plan should be submitted to the Planning Department for review and approval.

The properties within the Development Project area do not currently have any form of enclosure for trash bins or dumpsters. Staff recommends a trash enclosure be incorporated into the Project with a trellis treatment for enhanced aesthetics. The Applicant disagreed with Staff's recommendation and the Design Review Committee (DRC) agreed with the Applicant. The draft permit for Council consideration reflects the DRC's recommendation to not require the enclosure.

The Design Review Committee (DRC) held a public hearing on Friday August 18, 2017 to consider the architectural design elements. The Applicant objected to staff's recommendations regarding additional parking improvements on another property, architectural enhancements of plaster or panel treatments, incorporation of a trash enclosure, and 'no parking' signs at the end of Shasta Avenue. The draft coastal development permit for Council consideration reflects the decisions/recommendations of the DRC; however, final approvals of all aspects of this Development Project are subject to City Council action.

The Applicant is responsible for providing street improvements along the vacant property and the existing buildings, according to the specifications of the City Engineer. Overhead utility lines currently extend from the northeast corner of Contra Costa Street to another pole at the southeast corner of the 531 Shasta Avenue property. Staff recommends all overhead utility lines be placed underground and all buildings install underground laterals for direct connection. The new Shasta Avenue improvements will end at the east end of the street which should remain clear for access to on-site parking. Staff recommends that "No Parking" signs be installed at the east end of Shasta Avenue to provide notification to drivers, and enable the Police Department to issue citations for improper parking.

The Project proposes an underground infiltration chamber below the proposed New Building's lower level, and will be subject to the City Engineer's evaluation and approval of the required Stormwater Control Plan (SCP). Since the site consists of multiple individual lots and parcels, Staff recommends all lots be merged to form a single lot and parcel including the abutting property at 534 Shasta Avenue to reflect and preserve the necessary rear access to the proposed New Building's lower level. This would result in the existing building and the proposed New Building being situated on one parcel and lot. The property owner also

owns vacant property that is abutting, but not within the designated Development Project area. Staff recommends this area be paved and improved as parking to serve the automotive oriented business. If the Council concurs that this additional parking be provided, then Staff recommends that these lots/parcels be merged with the property at 531 Shasta Avenue into a single lot/parcel.

The Proposed New Building will need an estimated 0.753 acre-foot allocation of water from the City's Water Entitlement. This includes 0.749 AF for the building and 0.004 AF for the 173 square feet of landscaping. Project calculations are subject to MPWMD staff's final determination prior to issuance of a water permit and a building permit. Staff recommends approval of a coastal development permit, inclusive of site plan and architecture approval for the Development Project, in accordance with Staff's recommended permit terms/conditions.

6:28 P.M. Floor opened for Public Comment.

Architect and applicant Allen Robinson commented that the project is an addition to the existing building on property owned by Mr. Wilson and he does not intend to merge the lots where the existing building is located. He expressed his concerns with the cost of performing street improvements and the economic impacts of property owners who must carry the burden of performing infrastructure improvements located on their properties which often costs more than constructing the building itself. He addressed the issue of the retaining wall, undergrounding of utilities, creation of a new parking lot abutting the east side of the existing building at 531 Shasta Avenue, and the trash enclosure which may not be necessary as the new building would have sufficient room inside to house the trash bins. He added that 'no parking' signs do not seem necessary at the end of the street, and commented on the drop-off and general safety of the area.

Sand City Resident Roy Meadows commented that as a Sand City resident, Gene's Automotive Shop has been good neighbors, and they keep the area surrounding their business in good condition. He further mentioned the transformer which he had installed several years ago down the street from the location where the new building will be located and advised Staff to contact P.G. & E. to see whether the transformer can provide utilities to the proposed New Building.

Sand City Resident Dave Anderson received clarification from City Planner Pooler regarding the street improvements that are part of the proposed construction project. Mr. Anderson suggested that City Staff research grant monies so that the road adjacent to the proposed construction can be completed, improving the overall esthetics of the location.

Tribal Chairwoman Louise Miranda Ramirez inquired whether the area of

the proposed construction had been disturbed, and expressed her concern regarding native American artifacts that may go unnoticed when construction projects remove dirt in an area. She requested that the Council act to protect areas where artifacts may be discovered. Mr. Pooler explained that the project is CEQA exempt, and that the property does not require an EIR. He read condition I8 of the use permit regarding cultural resources that addressed Ms. Ramirez's concern.

There was Council discussion regarding the drop-off, public safety, the necessity of "No Parking" signage, and the addition of bollard lighting at the end of the street. It was decided that "No Parking" signs will be installed and remain as part of permit conditions.

Based on the discussions, City Attorney Jim Heisinger clarified amendments to the coastal development permit that included the deletion of Condition B5 addressing the new parking lot, deletion of the second sentence contained in Condition K1 indicating the lot mergers along the north side of the existing building at 531 Shasta Avenue, and the addition of a last sentence to Condition G1 to include the language "*Bollards shall be installed at the easterly end of Shasta Avenue to the satisfaction of the City Engineer*"

The Mayor asked Mr. Robinson if he was in agreement with the amendments and conditions to the coastal development permit. Mr. Robinson replied that he was in agreement with permit amendments and conditions.

6:40 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution as amended**, approving Coastal Development Permit 17-04 (Inclusive of Site Plan and Design Review) for the Wilsons Properties LTD Partnership regarding a Commercial Development and Rehabilitation Project on the 500 Block of Shasta Avenue was made by Council Member Hubler, seconded by Council Member McDaniel. AYES: Council Members, Carbone, Hubler, McDaniel. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder, Hawthorne. Motion carried.

{Council Members Blackwelder and Hawthorne returned to the dais}

AGENDA ITEM 8, OLD BUSINESS

A. Progress report on Public Works projects, 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 desalination plant production for the month of August 2017 was 24.4 acre-feet.

The proposed geophysical work for the Sand City Water Supply Project (SCWSP) Phase 1 New Intake Wells is scheduled for mid-September. The Monterey County Health Department required permits for each of the six direct push borings and exhibits identifying their approximate locations. The City Engineer worked with Intera to provide the exhibits, coordinate this effort, and has provided Intera with substantial record information for existing utilities within the project area. Intera will be obtaining USA markings for utilities and has hired a utility locating consultant for additional security. Intera has requested that City public works staff provide closure and signage for the areas of direct push work along Sand Dunes Drive, Tioga Avenue, and West Bay Street. The City Engineer will coordinate this effort with the public works department.

In regard to the Stormwater Management Program, the remaining maintenance service for interceptor #3 was performed on August 28, 2017 by SWIMS.

The surface improvements for the Hickory Street Improvement project (street pavement, curb, gutter, sidewalk, and ADA ramps) were completed in time for the City's West End Festival. The decorative asphalt stamping and remaining signage and striping work will be completed the week of September 4-8, 2017 at which time the City Engineer will perform a final inspection of the project. City Staff worked to develop exhibits and preliminary cost estimates for improvements to Contra Costa Street between Elder Avenue and Shasta Avenue as part of the application process for obtaining TAMC Measure X and SB 1 funding. A meeting with the Staff and representatives of the Federal Emergency Management Assistance (FEMA) will be held next week to review the scope of work and preliminary costs for the West Bay Infrastructure Repair Project.

The City Engineer contacted the applicant at 756 California Avenue: San Juan Pools, to inform him that a public improvement plan is required for the project. This plan was not included with the 2nd submittal of the project plans. Project improvement plans and stormwater control plan for 1843 Park Avenue: Bogue Residence is currently under review by the City Engineer. Staff is working with the developer to obtain final certificates of occupancy for lots 2 and 3 for the Bungalows at East Dunes Project.

City Administrator Todd Bodem reported on the Transportation Agency of Monterey County (TAMC) Measure X funding that will be coming forward along with funding recently passed and how the funds will be allocated; such as combining the revenue sources received to construct a much larger project. He also confirmed that trees will be planted in the bulb outs on Hickory Street.

Council Member Hubler expressed to Staff that it would benefit the Council to know at least 2 years ahead of time when major construction projects will take place so that street improvements can coincide with the

project and not be performed piece meal.

AGENDA ITEM 9, NEW BUSINESS

A. Consideration of City RESOLUTION Designating the Second Monday of October of each Year henceforth to be recognized as “Indigenous Peoples’ Day”

City Administrator Todd Bodem reported that the Mayor requested the Council resolve to designate the second Monday of October as “Indigenous Peoples Day” which is currently known as “Columbus Day”. At least four states do not celebrate Columbus Day; Alaska, Hawaii, Oregon, and South Dakota, with South Dakota officially celebrating Native American Day on the second Monday in October. Over the last two years, several local governments have approved resolutions to celebrate Indigenous Peoples Day instead of Columbus Day, or to otherwise recognize Indigenous Peoples Day on the second Monday of October. Staff recommends approval of the attached resolution designating the second Monday as Indigenous Peoples Day and that the Personnel Manual be revised to reflect the change.

Council Member Hawthorne commented that Sand City is very fortunate to have a Mayor that can trace her Native America heritage, and that approval of the attached resolution is a positive move for Sand City.

7:08 P.M. Floor opened for Public Comment.

Tribal Chairwoman Louise Ramirez commented that having worked as a State Employee for over 21 years, laws continue to change, the history of the Native American people is becoming more public, and that Sand City’s action to approve the resolution would be record setting. She also requested that the Council continue to consider public awareness and support of Native Americans.

Sand City resident Elizabeth Sofer commented that having been raised by the Shoshone peoples, she is moved by this action. She related the slaughter of indigenous peoples in history and her sentiments regarding Christopher Columbus.

Public Member Jay Cohen commented that he is very proud of this moment. It is a long time coming and often times changes begin at the local government level. He thanked the Council for considering this action.

Public Member Marcus Rodriguez added that he is also thankful to the Council for considering this action. He is an Army Veteran and as a native American, has not been acknowledged as such.

Public Member Erica Moncayo stated that she is proud to be here, is glad to see the changes, and has brought her son to the Council meeting to witness this moment.

Public Member Sandra Caceres expressed her heartfelt sentiments, testifying that it was easier as a youth to be considered Mexican and that having come from native American roots was often difficult to express.

Public Member Mary Spears who traveled from Yosemite, California to be at tonight's meeting, thanked the Council for considering this actions.

Public Member Terri Aldrete spoke of the Mission's Program in the schools and read an article regarding the expiration of the missions' part of history within the schools. She expressed her gratefulness to the Council for this resolution and concluded that Sand City may be a small City, but it is a powerful one.

7:20 P.M. Floor closed to Public Comment.

Mayor Carbone thanked the public for expressing their comments, with a reminder that "Columbus Day" is not acknowledged as a California State Holiday.

Motion to approve the City **Resolution** designating the Second Monday of October of each Year henceforth to be recognized as "Indigenous Peoples' Day" was made by Council Member Hawthorne, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Hawthorne, McDaniel. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

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

Mayor Carbone reminded the Council of the upcoming League of California Cities Conference to be held on September 13-15, 2017 in Sacramento, California. Several members of the Council including herself will be attending. She announced the annual Beach Clean Up that will be taking place on Saturday, September 16, 2017 from 9:00 a.m. – 12:00 p.m. Refreshments will be provided to the public. The Mayor also acknowledged the City Engineer Leon Gomez for the Hickory Street project and for his promise that it was accessible for the West End Event and further commented that other cities as well as the Board of Supervisors are interested in the resolution recognizing "Indigenous Peoples Day".

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, September 19, 2017 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 7:25 p.m.

Connie Horca, Deputy City Clerk