

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

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Regular Meeting – November 7, 2017  
5:30 P.M.  
CITY COUNCIL CHAMBERS

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

The Mayor called for a moment of silence for those affected by the Texas shooting.

The Pledge of Allegiance was led by Chief of Police Brian Ferrante.

Present: Mayor Mary Ann 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  
Linda Scholink, Director of Administrative Services/City Clerk  
Charles Pooler, City Planner

**AGENDA ITEM 4, ANNOUNCEMENTS BY MAYOR AND CITY ADMINISTRATOR**

The Mayor distributed a report for October 2017, and commented on her meeting with the Pacific Grove Arts Center, California State University Monterey Bay groundbreaking, and on the League of California Cities meeting that will be held in Sacramento on November 13, 2017 regarding solutions to address the PERS retirement increases. The Mayor drafted a letter to be read during the meeting.

**AGENDA ITEM 5, PUBLIC COMMENT**

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

Public Member Margie Anderson commented that she appreciates the care of the trees and plants within the City.

5:37 P.M. Floor closed to Public Comment.

## **AGENDA ITEM 6, CONSENT CALENDAR**

- A. There was no discussion of the Sand City Council Meeting Minutes, October 17, 2017.
- B. There was no discussion of the City/Successor Agency Financial Report, September 2017.

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

## **AGENDA ITEM 7, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR**

There were no items pulled from the Consent Calendar.

## **AGENDA ITEM 8, PUBLIC HEARINGS**

*{Council Member Hawthorne 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 Revoking Conditional Use Permit 613 for Chad Hubman's Ornamental Metal Workshop at 361-A Orange Avenue**

City Planner Charles Pooler presented a revocation of conditional use permit 613 for Chad Hubman's workshop at 361-A Orange Avenue. This permit when approved in April 2017 had a probationary clause to address certain issues on the property with the applicant's use of outside storage and blighting influences. The planning department received photographs of the applicant's violations of his permit, which Mr. Pooler presented to the Council. The probationary period for this permit has ended. Staff is requesting that the Council take action to either let the applicant continue his use, or approve the attached resolution revoking Mr. Hubman's permit.

Mr. Pooler addressed Council Member Hubler's concern regarding the timeline of when the photographs were taken and commented that some of the pictures were taken over a period of time and were all emailed simultaneously. The date of the email is not reflective of when the pictures were taken. Mr. Pooler added that Mr. Hubman did come in to rectify his delinquent business license fees and has paid for his current business license for this fiscal year.

5:44 P.M. Floor opened for Public Comment.

Mr. Hubman commented that he had nothing to say and then commented that he would like to stay in Sand City and loves being here. He desires to make the City a better place.

The Mayor explained the reason why the Council is considering revocation of Mr. Hubman's permit. The Council is present to hear testimony that some items contained in the conditional use permit are not in compliance, and that several items are also in violation.

Mr. Hubman commented that according to the permit, he was allowed to work outside on projects that did not fit inside of his shop. The pictures that displayed him working outside of his shop were items for Sand City, not for the City of Seaside. He is helping out his neighbors across the street.

There was Council discussion regarding the date of the photographs, trucks being parked outside of the shop, and that the location may be too small for the applicant's use, as well as certain conditions of the permit that were not being adhered to.

Mr. Hubman commented that he would like to stay in Sand City and that the pictures are old and outdated. He would like to see dates on the pictures. Mr. Pooler clarified which pictures were taken at what time, and when they were submitted. He referred to page 52 in the agenda packet of the emails that were sent to him and discussions that occurred regarding the complaints of the applicant's use. Mr. Hubman provided his opinions regarding the photographs and clarified that the red truck in one of the photos is not his.

Ken Baker, retired employee from the Monterey County probationary department clarified what Mr. Hubman uses the pallets for, the reason why the forklift was temporarily outside, and that the picture of him welding outdoors is due to inaccessibility of working inside. He pays \$1500 a month for rent and must work on whatever he can during his 6 month probationary period.

6:05 P.M. Floor closed to Public Comment.

The Mayor commented that the permit was approved with conditions that needed to be adhered to. City Planner Pooler clarified that the permit was approved with conditions and language that also specifies the probationary period. Mr. Hubman occupied the facility for some time before applying for a conditional use permit and that is one of the reasons why a probationary period was part of the permit conditions. Council Member Hubler pointed out that condition #9 does specify that all materials, etc. shall be stored within the building at all times. The Council did agree that sculptures or large projects can be stored outside

occupying one parking space. Any other materials would be in violation of the permit. There was Council discussion involving the possibility of extending the permit for another month and that the current space may be too small for the present use.

Motion to approve the City **Resolution** revoking Conditional Use Permit 613 for Chad Hubman's Ornamental Metal Workshop at 361-A Orange Avenue was made by Council Member Blackwelder, seconded by Council Member McDaniel. AYES: Council Members Blackwelder, Carbone, McDaniel. NOES: Council Member Hubler. ABSENT: None. ABSTAIN: Council Member Hawthorne. Motion carried.

The Mayor commented that since Mr. Hubman had paid for his business license today and approval of the attached resolution will shorten the length of his business license, that Staff prorate the license fees and provide Mr. Hubman an appropriate refund. At this time, Mr. Hubman will have 30 days to vacate the location. The Mayor suggested that at some point, Mr. Hubman can look for a bigger location to conduct his business and wishes him the best of luck.

*{Council Member Hawthorne returned to the dais}*

**B. Consideration of City RESOLUTION Adopting the Engineering Department Fees for Voluntary Lot Mergers, Certificates of Compliance, and Lot Line Adjustments**

City Engineer Leon Gomez commented that in July 2017, Staff presented a detailed report on lot mergers and provided the same background being addressed this evening. As detailed in the Staff report, there is a need to review and update the processes that now includes fees for the filing of certificates of compliance and lot line adjustments. The attached resolution is the result of increasing development applications, and the need to update, review and revise the applications processes in light of the various requests for permit applications within the City. These fees were provided in consultation with the City's contract engineering and land surveying consultants. The bottom of page 66 includes the proposed fee increases for voluntary lot merger, county recording fees, certificates of compliance, and lot line adjustments. Sand City's proposed rates are substantially less than neighboring cities as depicted on the table at the bottom of page 66. Staff detected an error on page 69 on the last Whereas, which needs to be deleted. Staff is recommending approval of the attached resolution, as amended.

Council Member Hawthorne received clarification regarding his question related to the fees for lot mergers and lot line adjustments, and whether property owners will need to pay these fees now or after 60 days when the resolution becomes effective. City Planner Pooler added that when new projects are proposed, it is normally required as part of project approval to

merge the smaller 25x25 foot lots together. The proposed fee increases are still comparatively low in relation to the fees charged by other jurisdictions. City Attorney Heisinger added that the fees charged are intended to recover costs and not as a tax.

6:40 P.M. Floor opened for Public Comment.

There was no comment from the Public.

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

Motion to approve the City **Resolution as amended**, adopting the Engineering Department Fees for Voluntary Lot Mergers, Certificates of Compliance, and Lot Line Adjustments was made by Council Member Hubler, seconded by Council Member Hawthorne. AYES: Council Members Blackwelder, Carbone, Hawthorne, Hubler, McDaniel. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

## **AGENDA ITEM 9, 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 the desalination plant produced 14 acre feet of water for October, due to maintenance and membrane cleaning resulting in low production numbers. Staff held a conference call with Interra regarding the preliminary results of the geophysical work for the new intake wells. Based on Interra's research the optimal well location may be between Bay Street and south towards the city limits between Sand City and Seaside. Staff is waiting for the first draft of the technical memorandum. Following review of the memorandum a round of review and comments will be held between City Staff and Interra. An initial final inspection was conducted on the Hickory Street Improvement project. Staff believes that the inlets could have been installed better and will have a conversation with the contractor regarding the issue. The concerns Mr. Harper previously mentioned at a past Council meeting have been remedied. The repair work for West Bay is still being discussed with FEMA. A field inspection was conducted at the Bungalows Project to ensure that the location is meeting Best Management Practices for cleanliness at the site. EMC Planning Group is conducting an assessment of the South of Tioga project and have requested some information on the storm drain systems map. This was provided to EMC over the past week.

In response to Vice Mayor Blackwelder's question regarding any information on the Seaside road project, City Engineer Leon Gomez reported that they are installing the subsurface stormwater chambers.

Once Broadway is completed, runoff from the surface of Broadway will go underground. This project was very costly and they plan to significantly decrease the width of the street to allow for outside restaurant seating.

The Mayor suggested that Staff speak to the Monterey Fire Department regarding the delineators.

## **AGENDA ITEM 10, NEW BUSINESS**

### **A. Consideration of City RESOLUTION Authorizing a Measure X Pavement Management Programs Funding Agreement between the City of Sand City and the Transportation Agency for Monterey County**

City Administrator Todd Bodem reported that the November 8, 2016 Monterey County Ballot Measure X passed and Sand City will now receive a portion of the sales tax revenue. The Transportation Agency of Monterey County (TAMC) has provided a master program funding agreement involving approval of a Capital Improvement Project (CIP) for a pavement management program (PMP). Phase I includes purchase of software for the PMP in which Sand City's fair share will be approximately \$3,000. Nine out of fifteen jurisdictions will use this software to ensure that participating jurisdictions would be utilizing the same platform. Phase II will involve a consultant to provide services in surveying the current roadway conditions and provide professional technical services in developing the PMP. The estimated cost will be approximately \$6,500. This amount will not be incorporated into the budget until fiscal year 2018-19. Staff recommends approval of the resolution for Phase I of the Measure X PMP.

7:01 P.M. Floor opened for Public Comment.

There was no comment from the Public.

7:01 P.M. Floor closed to Public Comment.

The City Administrator mentioned that when the proposal comes in for the conditions survey of this project, it can be rejected. The agreement contained in the agenda packet provides additional information regarding future consulting services.

Motion to approve the City **Resolution** authorizing a Measure X Pavement Management Programs Funding Agreement between the City of Sand City and the Transportation Agency for Monterey County was made by Council Member Hawthorne, seconded by Council Member McDaniel. AYES: Council Members Blackwelder, Carbone, Hawthorne, Hubler, McDaniel. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

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

Council Member Hawthorne reported that he visited the City of Santa Cruz's Abbot Square which has a bar and restaurant and the location reminded him of the Independent. Santa Cruz improved the area, next to the museum, and created the courtyard into a place where there is live music, and different restaurants. It would be ideal for Sand City to have something similar and would be a big draw to people of different ages. He suggested that the Council go to Santa Cruz and check it out.

Council Member McDaniel reported on her meeting with the Monterey County Commission on Disabilities regarding their mobility program. Should anyone desire to take part in the programs offered, additional information is available on the Monterey-Salinas Transit (MST) website.

Council Member Hubler commented that a new tech company will be opening at the Independent. City Planner Pooler added that the company met with the Mayor and City Administrator to present their business plan and product. They plan to make a presentation to the council at a future meeting.

**C. Upcoming Meetings/Events**

There were no RSVP's from the City Council.

**AGENDA ITEM 11, CLOSED SESSION**

7:15 P.M.

**A. City Council/Agency Board to adjourn to Closed Session:**

- 1) **To confer with Legal Counsel regarding pending litigation in accordance with Section 54956.9**
  - a. **Security National Guarantee, Inc. v. Evariste Group, LLC (no. SCV-259904)**

7:42 P.M.

**B. Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with 54957.1 of the Ralph M. Brown Act**

The City Attorney reported that information was provided regarding Security National Guarantee, Inc. v. Evariste Group, LLC. No action was taken.

**AGENDA ITEM 12, ADJOURNMENT**

Motion to adjourn the City Council meeting was made by Council Member

Blackwelder, seconded by Council Member McDaniel to the next regularly scheduled Council meeting on Tuesday, November 21, 2017 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 7:43 p.m.

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Linda K. Scholink, City Clerk