

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

Regular Meeting – February 20, 2018
5:30 P.M.
CITY COUNCIL CHAMBERS

Mayor Carbone 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: 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
Charles Pooler, City Planner
Connie Horca, Deputy City Clerk/Admin. Asst.

AGENDA ITEM 4, ANNOUNCEMENTS BY MAYOR AND CITY ADMINISTRATOR

Mayor Carbone announced the groundbreaking ceremony for the Monterey Bay Shores project on Thursday, February 22, 2018 at 2:00 p.m., and the 20th Anniversary Supercuts celebration on Friday, February, 23, 2018 at 11:00 a.m. Supercuts will be rolling back their prices to \$10 per haircut. The City will be presenting a certificate in commemoration at the event. The Monterey Regional Waste Management District will be holding a tour of their new Materials Recovery Facility (MRF) on Friday as well, and encouraged the Council to attend.

There were no announcements by the City Administrator.

AGENDA ITEM 5, COMMUNICATIONS

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

Dr. Ed Ghandour, Developer representing SNG/Evariste LLC for the Monterey Bay Shores Ecoresort Project thanked the Council for being supportive through his 25 year journey. The upcoming groundbreaking ceremony will be a momentous event for himself, his family, the City, Peninsula, and the community at large. He expressed his gratitude to the Council for their unwavering support, assistance, and faith in making this project come to fruition.

Council Member Hawthorne commended Dr. Ghandour for his tenacity and fortitude for the past 25 years and seeing it through.

5:36 P.M. Floor closed to Public Comment.

AGENDA ITEM 6, 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 #448, Mike Houser, (Shirt Printer), 542 #4 Ortiz Avenue
 - (2) CDP #07-01, Sato Racing, (Wholesale), 2-John Street #B
 - (3) CDP #98-01, James Davi, (Contractor), 1815-C Contra Costa Street
 - (4) CUP 558, Veggies Produce (Storage), 591 Redwood Avenue
 - (5) CUP #241, Automotive Specialist, (Auto repair), 475-A Olympic Avenue
 - (6) CUP #537, Mark Cristofalo & Co., (Design studio), 685 Ortiz Avenue
- B. There was no discussion of the February 6, 2018 Council Meeting Minutes.
- C. There was no discussion of the Police Department Monthly Activity Report, January 2018.
- D. There was no discussion of the Public Works Monthly Report, January 2018.
- E. There was no discussion of the City/Successor Agency Monthly Financial Report, January 2018.
- F. There was no discussion of the City **Resolution** authorizing Renewal of a Maintenance Services Agreement with Hope Rehabilitation Services for FY 2018-2019.
- G. There was no discussion of the City **Resolution** approving an Expenditure not to exceed \$3,000 for the Monterey Peninsula Regional Water Authority (MPRWA) Fiscal Year 2018-19 Operating Budget and Administrative Cost.

- H. There was no discussion of the City **Resolution** approving a One (1) Year Agreement with the Monterey County Weekly for Continued Participation of Co-op Advertisements during the 2018/2019 Fiscal Year.
- I. There was no discussion of the City **Resolution** recognizing Edmond Ghandour's Tenacity and Grit in Overcoming a Quarter Century of Permitting Hurdles and Breaking Ground on the Monterey Bay Shores Eco-Resort in Sand City, California.

Motion to approve the Consent Calendar items 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 7, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled from the Consent Calendar.

AGENDA ITEM 8, PRESENTATION

A. Presentation by Assistant General Manager Hunter Horvath of Monterey-Salinas Transit on MST's Community Update (10 minutes)

Lisa Rheinheimer of Monterey-Salinas Transit (MST) provided a community update of MST's involvement as well as its future endeavors for the upcoming year. She also mentioned that MST will be providing transportation services to and from the groundbreaking ceremony on Thursday, February 22nd. MST serves a population of 435,232, encompassing a service area of 295 miles with a fleet of 122 busses. The ridership is approximately 4.4 million passengers boarding on an annual basis. She reported on MST's operating budget of \$45,859,429 and provided a breakdown of the revenues received and how operating expenses are allocated.

The Monterey Bay Facility MST is currently under construction and future groundbreaking will take place sometime in April. A grant was received for a new facility in King City that will help with the organizations long distance routes. MST will be receiving new busses as well as 2 zero emission busses. The trolleys will also be replaced as they are several years old. New services and discounts will be provided to veterans and people with disabilities. Ms. Rheinheimer further reported on MST's new Real Time App that allows individuals to access bus times, bus lines and when the bus is expected to arrive at the stop. A paratransit response module will be instituted to deploy emergency/special bus services to evacuate seniors or people with disabilities during floods or wild fires and in situations where other emergency services are not available. A volunteer driver program has been instituted for areas that MST is not able to serve,

as well as a taxi voucher program for Uber and Lyft where transportation services to certain areas is not readily available. She reported that the Measure X funds are being used for a feasibility study for a Highway 1 rapid bus transit system to alleviate the congestion on the highway. In conclusion Ms. Rheinheimer reported that MST is currently recruiting for drivers, and that MST offers great benefits. When the National Highway Trust Fund becomes insolvent and the amount of money collected at the gas pump for payment of transit no longer pays for the cost of the programs for those which the federal highway administration funds. Zero emission bus regulations are also a challenge because the California Air Resources Board would like to move towards zero emission vehicles and the technology is not quite there yet. There are well funded efforts at the state level to repeal the gas tax known as SB1 in an effort to get voters out. MST estimates that they receive 2.5 million dollars on an annual basis to fund efforts, and cities and counties also receive monies for local roads, these funds will be taken away if this bill is repealed.

There was Council discussion regarding where the corridor through Highway 1 will be located, and the bus station located at Playa Avenue along a portion of the sidewalk that does not allow much room for people to walk. The Mayor received further information regarding reduction of emissions and difficulty of electric powered busses driving long distance routes.

6:02 P.M. Floor opened for Public Comment.

There was no comment from the Public.

6:02 P.M. Floor closed to Public Comment.

AGENDA ITEM 9, PUBLIC HEARING

A. Consideration of City RESOLUTION Approving Conditional Use Permit 621 For Giles Healey Authorizing a General Contractor Workshop, Office, and Storage at 336 Orange Avenue

City Planner Charles Pooler presented an application submitted by Giles Healey of Giles Healey Construction, Inc. to utilize an existing 1,375 square foot commercial unit at 336 Orange Avenue as a general contractor's workshop with storage and accessory office. The applicant will occupy one of two units in the building facing Orange Avenue. The majority of work will be performed at the contract sites; however, the Applicant would perform woodworking at the Orange Avenue property at various times. Intended hours of operation would be from 7 a.m. to 5:00 p.m., Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturdays. Staff recommends the permit specify that manufacturing activities conducted on Saturdays occur between the hours of 10:00 a.m. to 5:00 p.m. The zoning code specifies two parking spaces for manufacturing

based on 1/700 parking ration. The subject property has a total of five parking spaces and meets the minimum zoning requirements. The permit should include standard language prohibiting double parking or encroaching into the street. Shipments to and from the property will be infrequent. The 300 block of Orange Avenue is not a “through” street and traffic circulation is limited. Staff recommends that trucks making deliveries maintain one drive lane open, does not impede access to neighboring properties, is only parked to conduct loading/unloading activities, and only during intended hours of operation.

The proposed use for the site should have little negative impact provided that all storage be maintained within the building. The applicant will also utilize the site as a workshop. Woodworking and carpentry operations have been relatively benign uses in Sand City except when lacquer or paint is used without proper ventilation. The permit should prohibit the application of finishes unless a spray booth or similar apparatus is installed. Staff recommends approval of the conditional use permit.

6:10 P.M. Floor opened for Public Comment.

The applicant Giles Healey has no further comments. The Mayor asked the applicant if he was in agreement with the conditions of the use permit. Mr. Healy responded that he was in agreement with permit conditions.

6:11 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** approving Conditional Use Permit 621 for Giles Healey Authorizing a General Contractor Workshop, Office, and Storage at 336 Orange Avenue was made by Council Member Hubler, seconded by Council Member McDaniel. AYES: Council Members Blackwelder, Carbone, Hawthorne, Hubler, McDaniel. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

B. Consideration of City RESOLUTION Approving Conditional Use Permit 620 for Cyrus Morse Authorizing General Contractor Workshop, Office, and Storage within a 1,375 square foot Commercial Unit at 349 Olympia Avenue

City Planner Charles Pooler presented an application submitted by Cyrus Morse to use an existing 1,375 square foot commercial unit at 349 Olympia Avenue as a general contractor’s workshop, storage, and accessory office. This application is similar to the previous public hearing. This location is at the adjacent building but facing Olympia Avenue. The hours of operation are intended to be from 7 a.m. to 5:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays. Staff recommends the permit specify that manufacturing activities conducted on Saturdays occur between the hours of 10:00 a.m. to 5:00 p.m. The parking requirements are the same and the adequate number of spaces is

provided. The contractor will be bringing materials to the contract site. Provided that loading and unloading keeps one lane open and does not impede access to other units and that the truck is parked only for that specific activity, staff does not foresee any impact. Should the applicant do any lacquer work, then requirements for a spray booth or similar apparatus is required. The only difference between this unit and the previous aforementioned unit is that this property was 'red tagged' for construction inside the unit without building permits. As of this report, the "Red Tag" remains in effect. Staff recommends that a condition in the permit require all building code violations be rectified prior to occupancy of the unit. The applicant has plans in with the building department for plan check to resolve this issue. Staff recommends approval of the conditional use permit.

6:16 P.M. Floor opened for Public Comment.

The Mayor asked the applicant whether he was in agreement with the conditions of the permit. Mr. Morse replied that he was in agreement with permit conditions.

6:17 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** approving Conditional Use Permit 620 for Cyrus Morse Authorizing General Contractor Workshop, Office, and Storage within a 1,375 square foot Commercial Unit at 349 Olympia Avenue 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.

C. SECOND READING: Ordinance of the City of Sand City to Amend Sand City Municipal Code Title 18 (Zoning Ordinance) Chapter 18.63 for Compliance with AB 2299 and SB 1069

City Planner Charles Pooler commented that at the February 6, 2018 Sand City Council meeting, the City Council approved for first reading, the amendments to Municipal Code Title 18, Chapter 18.63 for Compliance with AB 2299 and SB 1069. Staff recommends adoption for second reading of the ordinance to amend and update Chapter 18.63 of the Municipal Code.

6: 21 P.M. Floor opened for Public Comment.

There were no comments from the Public.

6: 21 P.M. Floor closed to Public Comment.

Motion to approve the Second Reading of **Ordinance by title**, of the City

of Sand City to Amend Sand City Municipal Code Title 18 (Zoning Ordinance) Chapter 18.63 for Compliance with AB 2299 and SB 1069 was made by Council Member Hubler, seconded by Council Member Hawthorne. Roll Call Vote AYES: Council Members Blackwelder, Carbone, Hawthorne, Hubler, McDaniel. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 10, OLD BUSINESS

A. Consideration of City RESOLUTION Extending the Expiration Date of the Vesting Tentative Map for the Monterey Bay Shores Eco-Resort Project

City Planner Charles Pooler reported that the City approved the Vesting Tentative Map (VTM) for the Monterey Bay Shores Eco-Resort Project on December 15, 2015. In accordance with government code, vesting tentative map approvals are good for 24 months. Government Code provides that the 24-month period shall not include time during which a lawsuit is pending. Monterey Bay Shores was involved with litigation concerning the conditions of the projects coastal development permit (CDP). As the City's condition of VTM approval requires consistency with the Commissions CDP, there is a nexus justifying the extension of the expiration date. Litigation was dismissed on February 14, 2018. Therefore, the extension would be for the 14-month period which would now extend the VTM to February 14, 2019. Staff recommends approval of the draft resolution extending the expiration date of the Vesting Tentative Map.

6:26 P.M. Floor opened for Public Comment.

Public Member Michael Pekin commented that he sent a short letter to the City Administrator in support of this project. As a paraglider pilot, this project has been supportive of him and his fellow pilots. They have been respectful of private property and habitat on the property. He wishes to continue to use this portion of the beach for paragliding activities. He is respectful of the City's support and notices that equipment has been brought on and hopes that public access will continue.

Ed Ghandour, Developer of the Monterey Bay Shores project commented that he was formerly in possession of a pilot's license and loves paragliding. He provided permission for paragliders to use the property by license; however, with Coastal Commission approval there may be a conflict with dune restoration and habitat preservation. Dr. Ghandour would like the City to find an alternate/new location. During construction there may be a portion of the southernmost area of the dunes that may be able to accommodate the paragliders. Once the actual grading begins, another location may have to be provided to the paragliders in order for them to continue their sport. Dr. Ghandour concluded that his property is private and it is by permission that they can continue, but may need

another place during construction.

There was discussion regarding the continued use of the property to allow the paragliders to continue their sport, the liability issue of landing on the beach, and how activities may also effect the snowy plover population which is being biologically monitored for habitat protection. Dr. Ghandour commented that it will be difficult to continue because the biological monitors would make independent decisions from the developer.

6:37 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** extending the Expiration Date of the Vesting Tentative Map for the Monterey Bay Shores Eco-Resort Project 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.

B. 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 February 20, 2018. The City Engineer is coordinating with various consultants with requests for their scope of work and fee schedules regarding the Phase I New Intake Wells for the Sand City Water Supply Project. The Technical Assistance team has submitted memorandums to the City to include within Task 3 the preliminary investigation of existing conditions, site opportunities and identification of concept project alternatives for the Proposition 1 Technical Assistance Grant.

The developer for the Bungalows at East Dunes project will be replacing certain portions of sidewalk along Ocean View Avenue due to excessive cross slopes that exceed ADA requirements. The City Engineer will perform a follow up final inspection once the work has been completed. Staff has been coordinating with the applicant and his design team on the Catalina Lofts Mixed Use Project to obtain approval on the water and sewer system improvements which is required prior to issuance of a building permit. Improvement plans for the Bogue Residence is currently being reviewed by Staff. An updated exhibit was sent to Coastal Commission staff for review of the proposed West Bay Infrastructure Repair work and Staff is waiting on whether an immaterial amendment to the coastal development permit will be required. The City surveyor will be providing additional survey for the Carroll Property Surface Parking project in early to mid-March 2018 while the City Engineer continues to assess ADA compliance for the proposed new parking area. The City Engineer is

currently developing construction documents for the irrigation system connection to provide water to the parcel regarding the Transportation Agency for Monterey County (TAMC) landscaping project.

There was discussion regarding the types of materials that may be used for future street repair improvements such as surface type LID features, permeable pavement, bio-filtration and bulb-outs at the streets. The City Engineer will provide samples of these materials at a future March Council meeting.

Dr. Ghandour, Developer of the Monterey Bay Shores project reported that there was no real issue with the actual casing and a new 4" liner that was replaced at the center of the casing was performed successfully on the well located at the site. The project will require increasing its water demands for the grading being performed at the site at approximately 300 gallons per minute, work is currently progressing well.

AGENDA ITEM 11, NEW BUSINESS

A. Consideration of City RESOLUTION Adopting an Updated Illness and Injury Prevention Program

Police Chief Brian Ferrante reported that the Illness and Injury Prevention Program (IIPP) is required to maintain a safe work environment and that best management practices are utilized to operate in a safe and professional manner. The last update was performed in 1999 and it was necessary to update the existing program. Staff reached out to MBASIA who connected Staff with workers compensation attorneys to provide updated materials. Most of the updates were also found on the OSHA web page that provided suggestions on what an IIPP should look like. A few elements from the City of Seaside's IIPP were collected as well. The attached manual is a collection of best practices used for the operation, training, and problem resolution for injury and illness prevention.

City Administrator Todd Bodem reported that this manual is a living document and will be updated regularly as deemed necessary. Chief Ferrante added that any time the program is updated; it will be presented to employees who will read and sign off on the document. The public works department does a weekly 'tailgate' training, that involves a specific topic and are required to 'sign off' that they have received training.

6:59 P.M. Floor opened for Public Comment.

There was no comment from the Public.

6:59 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** adopting an Updated Illness and Injury Prevention Program was made by Council Member McDaniel, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hawthorne, Hubler, McDaniel. 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 reported that at the Monterey County Convention and Visitors Bureau Community Relations Committee meeting he attended, the primary topic of conversation revolved around the Monterey Bay Shores Ecoresort Project. He received a lot of positive reactions from other representatives who were thrilled about the development.

Council Member Blackwelder reported that at the last Monterey Regional Waste Management District meeting, a tour of the new was announced. He also reported on several other projects of interest such as the possibility of a new sewage treatment facility.

Mayor Carbone reported that Staff representatives will be attending the first meeting of the Monterey Bay Community Power at Monterey City Hall.

Council Member Hubler received information on where parking for the groundbreaking ceremony will be located.

C. Upcoming Meetings/Events

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

AGENDA ITEM 12, CLOSED SESSION

The City Attorney deemed that there was no need for closed session.

AGENDA ITEM 13, 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, March 6, 2018 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 7:10 p.m.

Connie Horca, Deputy City Clerk