

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

Regular Meeting – January 15, 2019
5:30 P.M.
CITY COUNCIL CHAMBERS

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

Invocation was led by Reverend Robert Hellam.

The Pledge of Allegiance was led by Chief Brian Ferrante.

Present: Mayor Mary Ann Carbone
Vice Mayor Blackwelder
Council Member Hawthorne
Council Member Sofer
Council Member Cruz

Staff: Fred Meurer, Interim City Administrator
Vibeke Norgaard, City Attorney
Leon Gomez, City Engineer
Brian Ferrante, Police Chief
Charles Pooler, City Planner
Linda K. Scholink, Director of Administrative Services/City Clerk

AGENDA ITEM 4, ANNOUNCEMENTS BY MAYOR AND CITY ADMINISTRATOR

Mayor Carbone announced that as a member of the Fort Ord Reuse Authority (FORA) Board, a second vote was held exempting Sand City from owing funds towards FORA's PERS Employee Contribution Fund. She thanked City Attorney Vibeke Norgaard for her help. At the Monterey County Mayors Association meeting, she had been appointed to serve as alternate representative to Monterey Bay Community Power and the Monterey Air Pollution Control Board. A heartfelt thanks was also extended to Staff and the Fire Department for their help during the Christmas holiday, and to Miss Gorman for organizing the Food Drive. The Mayor also reported on the meeting that she attended, and mentioned the letter sent to the California Transportation Department regarding the debris along Highway 1. A Special City Council meeting will be held at 1:00 P.M. to consider a recruitment firm to look for a City Administrator.

Interim City Administrator Meurer reported on a future meeting for Council Orientation. The target date is February 7, 2019. The first March meeting will be light due to attendance of the Mayor and City Administrator at an Association of Defense meeting. An upcoming meeting is schedule with the City of Monterey

regarding emergency and fire suppression services. A list of observations and personnel/human resources status will be presented as well as a review of facilities and spaces. As the City grows with development, the City will outgrow its current resources. A more focused discussion and strategic objective regarding finances, needs, and resources will need to occur. He also mentioned handouts regarding Agenda item 6G, a resolution for the appointment of Mrs. Cruz and Agenda item 9A correspondence regarding Camp Transformation.

AGENDA ITEM 5, PUBLIC COMMENT

5:41 P.M. Floor opened for Public Comment

There was no comment from the Public.

5:41 P.M. Floor closed to Public Comment.

AGENDA ITEM 6, CONSENT CALENDAR

The Mayor commented that agenda items 6B and 6E were pulled from the Consent Calendar.

- A. There was no discussion of the December 18, 2018 Sand City Council Meeting Minutes.
- B. Approval of City **Resolution** Making Re-Appointments of Andy Briant and Greg Hawthorne to the Sand City Design Review Committee until January of 2021 (Briant & Hawthorne) This item was pulled for separate action.
- C. There was no discussion of the City **Resolution** approving Time Extensions to April 30, 2019 of Multiple Conditional Use Permits (CUPs 450, 508, 527, 532, 540, 541, 548, 576, 578, 588, 590, 594, 595, 598, & 599) and Coastal Development Permits 14-01 and 15-02 to continue as Interim Uses at their respective locations within the South of Tioga Area.
- D. There was no discussion of the City/Successor Agency Monthly Financial Report, November 2018.
- E. Approval of City **Resolution** Continuing and Updating the Appointments to Various Local and Regional Agencies and Boards effective, January 15, 2019. {This item was pulled and considered under Agenda Item 7}.
- F. There was no discussion of the City Donations/Contributions to the Monterey County Fair for \$500 and the Annual Scottish Games & Celtic Festival for \$500 (Brigadoon Level).
- G. There was no discussion of the acceptance of the City **Resolution** authorizing the Nomination and Appointment of a Sand City Elector to Fill Vacancy on the Sand City Council resulting from the Resignation of Kristen McDaniel.

Motion to approve the Consent Calendar Items 6A, C, D, F & G was made by Council Member Blackwelder, seconded by Council Member Sofer. AYES: Council Members Blackwelder, Carbone, Sofer, Hawthorne. NOES: None. ABSENT: None. ABSTAIN: None Motion carried.

AGENDA ITEM 7, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

Agenda item 6B motion to approve the City **Resolution** Making Re-Appointments of Andy Briant and Greg Hawthorne to the Sand City Design Review Committee until January of 2021 (Briant & Hawthorne) was made by Council Member Blackwelder, seconded by Council Member Sofer. AYES: Council Members Blackwelder, Carbone, Sofer. NOES: None ABSENT: None. ABSTAIN: Council Member Hawthorne. Motion carried.

Agenda item 6E was continued as a matter of transparency related to Council member's interest on serving on specific Boards. The Mayor suggested that copies of the article provided by Council Member Sofer be handed out, that this item be continued to the next meeting, and requested that Council Members review the list of appointments should they want to speak to her. Mr. Meurer suggested that the Council provide information to Staff regarding their specific interest on the Boards/Agencies they would like to serve on. He can provide recommendations to the Mayor, and the Council can choose to accept or reject the recommendations.

AGENDA ITEM 8, SWEARING IN CEREMONY

A. Swearing in Ceremony of Appointed Sand City Elector Kim Cruz

City Clerk Linda Scholink performed the swearing in ceremony of newly appointed Council Member Kim Cruz.

AGENDA ITEM 9, PUBLIC HEARING

{Council Member Sofer stepped down from the dais due to a conflict of interest by residing within 500' of the subject property}

{A straw draw was conducted between Council Member Blackwelder and Hawthorne. 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 Resolutions regarding Camp Transformation {This item continued from the December 18, 2018 Council Meeting & was Re-Noticed}

- 1) City Resolution Revoking Coastal Development Permit 13-03 and Conditional Use Permit 560 for a Gym Use at 1807 Contra Costa Street**
- 2) City Resolution Amending Coastal Development Permit 13-03 and Conditional Use Permit 560 for a Gym Use at 1807 Contra Costa**

Street

City Planner Charles Pooler reported that this item was continued from the December 18, 2018 Council meeting to consider revoking the combined coastal development and conditional use permit for Camp Transformation. The Council and Staff received a lot of public testimony, and based on the comments, the Council continued this item. Mr. Pooler re-advertised the option to amend the permit if they choose. The packet contains the draft resolution to also revoke the permit. The draft amended permit allows for the two handed dumbbell weights not to exceed 60 pounds, adjusts the hours of operation to 7:00 a.m. to 7:00 p.m., Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturdays, requires the property owner to clearly mark/sign his residential tenants assigned parking, and that parking be perpendicular to the drive apron. Staff has received emails today from two of the residents living above the use. Both tenants state that impacts were reduced during the holidays, but have now increased as a new 'challenge' at Camp Transformation has commenced. The Council has four options that they can take, one is to take no action, secondly to continue the hearing, three is to take action to revoke the permit, and fourthly take action to amend the permit. If the Council decides to change portions of the permit, they may direct Staff and the changes can be incorporated into the final resolution for approval.

5:57 P.M. Floor opened for Public Comment.

The applicant Leslie Conover commented that since the last meeting, it was understood that they would be communicating with the tenants, and left with the idea that they would continue to operate with the same hours. She explained that the 'challenge' is a six week process, which they conduct throughout the year, and the times classes are conducted. The 7:00 p.m. class has doubled in size. She has been in conversation with the tenants regarding the level of noise. She has been in touch with the tenants regarding the 5:00 a.m. and 6:00 a.m. classes. Allowing for a maximum of 24 people should help noise and foot traffic impact tremendously, and would make a big difference.

Mr. Conover commented that their clients are made aware of certain rules and regulations. Between the first and second weeks, people are new and getting use to how the 'challenge's' operate which takes them awhile to get used to the process.

There was Council discussion regarding the level of noise, class schedules, prior meetings held when the business is operating, and the timeline of moving to 325 Elder. Mr. Conover explained that he is waiting on the building renovation plans and expects to move into the new facility at the latter part of February or early March.

Mrs. Conover commented that of all the complaints they have received

has been during the evening classes. She understands how the neighbors feel about expanding classes and believes that complaints regarding the morning classes have been fixed.

Mr. Pooler explained that the resolution to amend the permit would allow operations between the hours of 7:00 a.m. to 7 p.m. to allow for classes during the middle of the day when the residents are at work. At the last meeting there was discussion regarding classes being held before 7:00 a.m. and after 5:00 p.m. City Administrator Meurer added that the general concern was that the applicants were operating beyond the hours of their permit and the availability of their clients earlier in the day and after working hours.

Resident Darren Mah reiterated that this issue is something that has been worked on and has had meetings with the landlord and business owners. Whenever a new 'challenge' comes in, that is when we they are impacted. He understands that they live in a mixed use and detailed what occurs on a typical day. They hear noise until approximately 8:30 p.m. and early in the mornings. He expressed that having classes in the time frame from 7:00 a.m. to 7:00 p.m. would decrease the impact to them. He is not asking the City to revoke the permit, but to enforce it.

Resident Courtney Kuhn, commented that she was awoken at 6:00 a.m. and arrived home at 6:00 p.m. to the same noise. She is not willing to accept taking a chance that she will not be disrupted in her home. She is not asking for the permit to be revoked, but is strongly opposed to extending the gyms hours of operation beyond 7:00 a.m. to 7:00 p.m., and further opposes the use of 60lb. weights being added to their permit as this has not been tested. Her request was that the permit be enforced. The permit was not written for the gym currently operating and the business needs to be held accountable.

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

The Mayor announced a brief recess.

6:35 P.M. The Mayor reconvened the meeting and opened the floor to Public Comment.

Applicant Michael Conover commented on the amendments regarding the use of 60lbs weights in the use permit and whether this was needed, and if the time can also be amended and changed to operate from 5:00 a.m. to 7:00 p.m. Mrs. Conover further requested an additional two weeks to operate at the current time, and mentioned that there are exercises being conducted with the use of no weights and that the hours of operation were unclear.

6:55 P.M. Floor closed to Public Comment.

Mr. Meurer reiterated that the gyms operating use be defined and addressed per the requests made by the applicants. Whatever the Council decides tonight, the City will start enforcing, and if hours of operation change, the Council should allow for adequate time for the owners to notify their clients.

Mr. Pooler commented that the draft language and modifications contained in the amended use permit was based on suggestions at the December 18th Council meeting. He referred to page 120 of the packet that outlines amendments to the permit. Condition 2 limits the use of dumbbell/weights in excess of sixty pounds and any such lifting shall only occur on shock absorbent mats. Condition 4 would allow use from 7:00 a.m.-7:00 p.m. Monday through Friday, as well as no change to the condition of Saturday hours. Office and hours of clean up activity may occur as long as it does not pose a nuisance. The property owner shall clearly identify residential parking of residents of the unit as defined in Condition 5, and that parking shall be parallel to the drive apron, not perpendicular. Conditions 6 and 13 prohibit the use of weights in excess of 60 lbs. and that if any weightlifting does occur that shock absorbent mats be used to mitigate noise.

The Mayor added that amendments to the use permit would take out the references to the 60lbs weights, and that hours of operation occur from 7:00 a.m. – 7:00 p.m.. Monday through Friday with no change to Saturday hours.

Motion to approve the City **Resolution** with changes, as amended approving Coastal Development Permit 13-03 and Conditional Use Permit 560 for a Gym Use at 1807 Contra Costa Street was made by Council Member Blackwelder, seconded by Council Member Cruz. AYES: Council Members Blackwelder, Carbone, Cruz. NOES: None. ABSTAIN: Council Members Sofer, Hawthorne. ABSENT: None. Motion carried.

Mr. Pooler stated the changes and that the Council's action to amend the permit allows Camp Transformation to operate for the remainder of time in the building per the permits allowable use, and without overly disturbing the residents above. Enforcement of the permit includes notification, and if compliance is not met, then an action for revocation would proceed.

{Council Members Sofer and Hawthorne returned to the dais}.

AGENDA ITEM 10, OLD BUSINESS

- A. Engineering and Public Works Department Summary Report including the Sand City Water Supply Project, Storm Water Management Program, City Projects: West Bay St. Coastal Access Repair Project, Carroll Property Parking, TAMC Parcel Landscaping Project, Calabrese Park Improvement Project, Private Development**

Projects including the South of Tioga Project, and Grant Updates. Community Development and Planning Department updates by the City Administrator/City Planner

City Engineer Leon Gomez reported that the desalination plant has produced 9.1 acre feet through January 14, 2019. The plant was temporarily inoperable due to high salinity at the intake wells. Two project application forms were submitted on behalf of the City. The applications were for two projects, a trash capture and urban diversion project and the West End Stormwater improvement project. The projects should be evaluated between February and April with final submission of projects to the Department of Water Resources by May/June of this year. The area was awarded \$4.2 million for disadvantaged communities from the Prop. 1 Grant. The technical memorandum of traffic counts was submitted to the project engineer for the South of Tioga project. Staff received a request last year from the developer to extend their request for the vesting tentative map for the Monterey Bay Shores project which is set to expire February 14, 2019. A resolution is being formulated by Staff and should be presented to the Council at its February 5, 2019 Council meeting to extend the VTM for a 12- 24 month period. The work regarding the Seaside sewer clean-up is proceeding well and nearing completion. Staff requested that the City of Seaside inform City Staff once the work is completed. Once a purchasing Ordinance is approved, Staff will be coming before the Council to go out to bid for the West Bay Coastal access repair project. The last engineer's estimate for the project was approximately \$125,000 to \$130,000. The status of the environmental review and documentation has not been received from Monterey County for the Calabrese Park project. The Bogue residential project completed their work and was issued a final certificate of occupancy last week. San Juan Pools was issued a building permit this week.

Mr. Meurer mentioned that the South of Tioga is the City's number one project and will be given a priority. A request for qualifications (RFQ) for consultant services is being drafted to augment the need for staffing and building services. The developer has been contacted to present the City with his critical needs for the project. Staff has also requested that the developer of the Monterey Bay Shores project provide the City with a status report of their preliminary grading permit.

Mr. Pooler added that Staff is working with NBS in regard to the Community Facilities District (CFD) for the South of Tioga project, and is expected to be presented to the Council at its February 5, 2019 meeting. Staff is trying to schedule a meeting with Mr. Orosco, NBS consultants, and Staff.

Mr. Gomez addressed the Mayor's questions regarding the Seaside sewer cleaning.

AGENDA ITEM 11, NEW BUSINESS

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

Council Member Sofer mentioned that she had made reservations to the Middlebury Institute event, and is scheduled for a free tour of the former Fort Ord. She also had questions regarding the Vibrancy Plan and would like to revisit that as well as receive an update. Mr. Meurer added that he has received a bill for work performed under the pervue of his predecessor, and would like to take the draft Vibrancy Plan to the Design Review Committee for their comments, then to the City Council with DRC's comments.

The Mayor thanked Kim Scudder for the thoughtful thank you card.

B. Upcoming Meetings/Events

1) Confirmation of Future Dates for 2019 Sand City Events

There was consensus of the Council approving the 2019 dates for Sand City events.

C. Update and Discussion of Sand City's Position regarding Future Activities of the Monterey Regional Water Authority and the Monterey Peninsula Water Management Agency's Implementation of Measure J Mandates

Interim City Administrator Fred Meurer reported that information was provided in the packet. The importance of this issue dates back to 1977 and this region has been looking for a water supply for this area and a project that will address Sate Water Control Board's order to eliminate all but 33,000 acre feet from the Carmel River, coupled with reuse for treated/purified water. The idea of 'toilet' to 'tap' is offensive to some, although it has been done in southern California for years. Several teams are working collaboratively to put this together. The Mayor has been arguing for the desalination plant to move forward to ensure Sand City's economic future. The desalination plant that Cal-Am constructed using slant wells which was not something Cal Am wanted to do, but was dictated by the State of California Coastal Commission. These slant wells were expensive and generally used for oil production. Mr. Meurer provided a history of the water being provided to the City of Castroville and Measure J, which was the measure from Public Water Now. The packet contains the history of an attempt to condemn a private water system in the City of Claremont. The Water Management District is holding a listening session and they are asking the public what they think 'feasible' means as the measure did not define 'feasible', and how much they are willing to pay. What will happen over the next few months would involve the Water Management District receiving public comments as well as information from a range of consultants to explore 'feasibility'. Last week, the Monterey County Mayor's Association elected Mayor Potter of Carmel

to be the representative to the MRWMD Board who will serve as the cities representative. Should a finding be reached that it is feasible to take over Cal-Am a resolution will be brought forward that outlines why it is a necessity to condemn private property. This will go before a judge who will make a determination if they have met the standard expressed in the constitution. The estimated cost to do the feasibility study is approximately \$400,000-\$500,000 dollars. Prior to spending millions of dollars, the public needs to be aware of the costs.

Mr. Meurer provided several options that the Council may consider, and provided a brief history of how the Mayor's Joint Powers Authority was formed. He will remain supportive of Mayor Cabone's decision. Presently, the unknowns are where the Mayor's JPA and the Water Management District will go.

AGENDA ITEM 12, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Hawthorne, seconded by Council Member Blackwelder to the next regularly scheduled Council meeting on Tuesday, February 5, 2019 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 8:15 p.m.

Linda K. Scholink, City Clerk