

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

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Regular Meeting – May 21, 2019  
5:30 P.M.  
CITY COUNCIL CHAMBERS

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Mayor Carbone opened the meeting following the Study Session at 5:40 p.m. She commented that public comments will be received and continued from the Study Session.

The invocation was led by Reverend Robert Hellam.

The Pledge of Allegiance was led by Interim City Manager Fred Meurer.

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  
Linda Scholink, Administrative Services Director/City Clerk

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

The Mayor announced her attendance at a few meetings with other council women such as the Womens' Fund Raiser, and the Knights of Columbus dinner honoring Sand City's Police Officer of the Year Dan Charlton. Sand City also received a Clean Air and Leadership Award.

Interim City Manager Fred Meurer announced that item 8C will be pulled from the agenda at the request of the applicant and considered at a future Council meeting later in the summer or early fall due to additional work that needs to be performed. A new application for a climbing gym was received and to be co-located next to Camp Transformation. Staff has suggested that they check with their structural engineers to see if it is feasible. This item should be heard at the second meeting in June if the structural review passes. The City will need to consider costs for habitat management behind the shopping center and these costs would be incorporated into the budget. The development agreement is essential prior to the start of the South of Toga project to ensure that the City is adequately protected. It may be another 4-4<sup>1/2</sup> months before ground breaking can commence. The applicant has already submitted a habitat management plan and this will need to be completed prior to construction. A

proposed budget will be presented to the Council and will be presented in a different fiscal structure to represent how funds are being disbursed, accountability of funds, the next five year capital improvement program and accounting for matching monies for grants being obtained.

## **AGENDA ITEM 5, COMMUNICATIONS**

The Mayor announced that the floor will be open to public comment from individuals who were present during the Study Session. The Study Session included presentations from Police Chief Brian Ferrante on department capabilities, responsibilities and statistics, and a presentation from the Police Officers Association on profiles, experience and effectiveness.

5:55 P.M. Floor opened for Public Comment.

Sand City resident Brian Clark thanked the Police Department for all their work. He commented on the statistics of each local jurisdictions police officer compared to its population, pointed out the crime category, and when would Sand City plateau on its hiring of police officers. Pacific Grove has a ratio of 1 officer for 603 residents and proved to be one of the safest towns. Sand City has 1 police officer for 33 people and that the City does not have the historical mass to support its police force.

There was discussion regarding allowing Mr. Clark additional time and how many other people in the audience would like to address the Council. The City Manager suggested that the Council hear all the speakers tonight. The Mayor commented that the time for each speaker will be set for six minutes.

Mr. Clark continued that although Sand City is the heaviest fortified City in California with the biggest police force per capita at the cost of everything else, Sand City exists to pay for its police force. How do we obtain services and uniting services with agencies close to Sand City? The City is over amped with police by a factor of 10.

Anthony Aiello a lifetime resident of the Peninsula commented that he has seen Sand City grow and develop in the last 30 years and added that the previous speaker commented on FBI statistics. He has 40 years of law enforcement experience and has dealt with all the agencies in the County. The average tenure of an officer is ten years, and all Sand City's police force have been hand-picked and are members of the community. The City has the best trained officers in the County, not because of the pay and benefits but because they trust in the administration and the Chief. This town does not have the trouble hiring quality officers because you get what you pay for. This place has become the best.

Donald Difede Sand City resident commented on how safe and protected he is with the police officers in the City. The statistics mean nothing. The Council needs to make the decision.

Frank D'Aquano, owner of D'Motorsports and property owner of over

twenty years commented on the proposal of disassembling the police department, the cleanliness, and safety of the City. Without the police force the City would be a thoroughfare for vagrants, homeless, and drug traffickers. The officers have built this City into a safe and thriving community where investors would like to invest their funds. He suggested that the Council consider budget balancing.

Public Member Holder Angler commented that the City has a homeless and drug problem, along with the state and federal government leaving our borders open, as well as a state government that wants to take away our ability to defend ourselves. Does the Council want to leave the City unprotected and have an unelected bureaucrat dictate what happens in the City?

The Mayor clarified that there is nothing official nor is the continuation of the Study Session an action item.

Business owner Jake Larkin commented that in the last ten years he has dealt with floods and crime. Right now, Sand City has an outstanding police force. There are no homeless people at his business and no RV waste being dumped into his drains. He no longer deals with these issues because of the police department. They are people who get up every day to deal with the bottom dwellers. There is no problem with the police force, and we are taking a hammer to a problem that does not need a solution. The homeless that used to appear in his yard were stealing everything and his cameras were not effective enough. The only thing that made a difference were the changes made within the Sand City Police Department.

Robbie Robinson, owner of Carmel Stone Imports has been doing business in Sand City for almost twenty years. He believes the proposal to outsource the police department is irresponsible and reckless. Sand City is a safe community and he has over a million dollars' worth of inventory. The police force protects his business. There is no crime, speeding or homeless individuals' roaming the City. To outsource the police department and being dependent on who may or may not show up would be ludicrous. The gentleman who spoke to the statistics did not take into account the population of the shopping centers. The proposed hotel complex development would need more police, not less. From a business standpoint, income from the businesses is extraordinary. The City has no schools or libraries to support other than the police department, and the City should be in the black, and does not understand what is being proposed.

The Mayor stated that there has been no proposal of switching out, and that the City is conducting a budget study.

Public Member Archie Warren commented that he has been a member of the sheriff's office for thirty years with a 5.5 million dollar budget and understands how hard it is for the police to do their jobs. He does not live in the City but does a lot of business in the City. He spoke to response

times and the good job the police officers are doing. If an emergency occurred in the City you have to take into consideration the response time of having another officer from another agency to arrive. The biggest problem is not the money, but what will happen when something goes down and there is no one to respond. You have to worry about how quickly they will get here, and/or will they get pulled to their main City. Money can't take care of that situation, only your own police force can.

Business owner Mike Erickson has been in Sand City when there were only 3-4 officers. As a child growing up, there were homeless who would approach him with spray paint on their faces. There was also drug and alcohol activity going on. Now, he can bring his children here and not have to worry about those issues.

Brad Smith, owner of Genes Import Auto Body commented that he has been doing business in Sand City for 37 years and has witnessed the City grow. The police officers are good guys who care about the City. It matters that we keep the police force in Sand City as he has millions of dollars of equipment at his business location. He reported that sales have doubled within the last eight years. The change he has seen involves the police force who keep his equipment, employees, and families safe. He has received concerns regarding the proposal to contract out the police department. Mr. Smith spoke to homeless individuals, response times, and that his shop would be vandalized more often without police presence. He receives calls from Sand City's police officers should anything out of the ordinary happen. The City needs the police force.

Sand City resident Don Davis expressed his appreciation for all the comments. He reiterated that this is not a proposal and from a pragmatic point of view, the City needs to retain its current services, and commented on the current infrastructure which needs to be addressed. We cannot rely on other services outside of the City to provide these improvements. Mr. Meurer has conducted extensive research and would like to maintain a safe City. The presentation indicated that the officers are currently collaborating with other agencies. It would be ideal to have a safe City and a fiscally healthy one as well.

Mr. Difede spoke to the issue regarding the proposal to have marijuana dispensary years ago. A flyer was distributed to the residents and business owners whether they wanted a dispensary or not. The Council should do the same and get the public's comments regarding what they want. If you get rid of the police force, problems will come and the residents will suffer.

Council Member Hawthorne clarified that everyone on the Council lives in the community and that he has been involved for over 20 years. The Council is concerned about safety, but the Council also has to look at the budget, and to ensure that the City remains fiscally sound for the rest of the generations to come.

Mr. Aiello commented that if the police department is gone, why the City

would need other services.

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

The Mayor concluded by thanking the officers for their excellent presentation and that the Council does have the materials for review. She announced that the police department has an open invitation for anyone who would like to have a ride along. The regular Council meeting will be resumed.

She thanked the public for their comments.

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

- A. There was no discussion of the May 7, 2019 Sand City Council Meeting Minutes.
- B. There was no discussion of the City **Resolution** Proclaiming the Week of May 19-25, 2019 as National Public Works Week.
- C. There was no discussion of the City **Resolution** updating the Appointments to Various Local and Regional Agencies and Boards, effective May 21, 2019.
- D. There was no discussion of the City **Resolution** approving the Purchase of a Police In-car Computing System.

Motion to approve the Consent Calendar items was made by Council Member Blackwelder, seconded by Council Member Hawthorne. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSTAIN: None. ABSENT: 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 HEARING**

- A. **SECOND READING: ORDINANCE Amending Sand City Municipal Code Section 12.04.010 to Adopt New Engineering Standards**

City Engineer Leon Gomez referred to page 34 of the agenda packet and reported that at the May 7, 2019 Council meeting, the City Council adopted for first reading an Ordinance to amend Title 12.04.010 of the City's Municipal Code adopting new updated 2019 City Standards. No concerns were discussed at the May 7, 2019 Public Hearing, nor were there any public comments received. The Ordinance requires Council adoption for second reading before the ordinance is incorporated into the City's Municipal Code. Upon adoption of the second reading of the attached ordinance, it will go into effect June 21, 2019. Staff recommends

adoption (for second reading) of the attached draft ordinance to incorporate the amendment to Title 12.04.010 of the Sand City Municipal Code adopting new updated 2019 City Standards.

6:45 P.M. Floor opened for Public Comment.

There was no comment from the Public.

6:45 P.M. Floor closed to Public Comment.

Motion to waive formal reading of the ordinance was made by Council Member Hawthorne, seconded by Council Member Cruz. There was consensus of the Council to waive formal reading of the ordinance.

Motion to approve the Second Reading by title, of the **Ordinance** amending Sand City Municipal Code Section 12.04.010 to Adopt New Engineering Standards was made by Council Member Hawthorne, seconded by Council Member Cruz. Roll call Vote AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSTAIN: None. ABSENT: None. Motion carried.

The Mayor thanked Staff for their hard work and the City Administrator for moving this item forward. The ordinance will take effect on June 21, 2019, thirty days following is adoption.

**B. SECOND READING: ORDINANCE Amending Sand City Municipal Code Title 12 Relating to Exemptions from Public Contracts Code and Purchasing Procedures**

City Attorney Vibeke Norgaard reported that this is the second reading of the ordinance that was presented in detail at the previous City Council meeting.

There were no questions from the Council.

6:47 P.M. Floor opened for Public Comment.

There were no comments from the Public.

6:48 P.M. Floor closed to Public Comment.

Motion to waive formal reading of the Ordinance was made by Council Member Hawthorne, seconded by Council Member Cruz. There was consensus of the Council to waive formal reading of the Ordinance.

Motion to approve the Second Reading by title of the **Ordinance** amending Sand City Municipal Code Title 12 Relating to Exemptions from Public Contracts Code and Purchasing Procedures was made by Council Member Cruz, seconded by Council Member Sofer. Roll call Vote AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSTAIN: None. ABSENT: None. Motion carried.

**C. Consideration of City RESOLUTION Approving Conditional Use Permit 626 for Parcel R2 of the South of Tioga Development Project {this item continued from the May 7, 2019 Council meeting}**

Mayor Carbone commented that this item was withdrawn from the agenda as requested by the applicant and will be noticed for public hearing at a later date.

**AGENDA ITEM 9, OLD BUSINESS**

**A. Engineering and Public Works Department Summary Report comprising of the Sand City Water Supply Project, Storm Water Management Program, City Projects including the West End Stormwater Improvement Project (Prop 1 TA), TAMC Parcel Landscaping Project, Calabrese Park Improvement Project, Prop 68 Grant, Private Development Projects including the South of Tioga Project, and Grant, Community Development, and Planning Department updates by the City Administrator/City Planner**

City Engineer Leon Gomez reported that desalination plant production through May 14<sup>th</sup> was 11 acre feet and the plant was inoperable on May 15<sup>th</sup> due to motor failure at Bay well #1. Staff asked that Cal-Am report to Staff when the repair of the motor will be completed.

Mr. Meurer responded to Council Member Blackwelders inquiry regarding the storage of spare systems parts.

As of the last Integrated Regional Water Management Program (IRWMP) meeting, the City's project was eligible for \$850,000 of funding. Staff has communicated and discussed consolidating the project and will be meeting with the local IRWMP group to discuss the feasibility of the project for award of the funds. The office approved an emergency encroachment permit for the South of Tioga project. This was issued to the geotechnical engineer to take 2 quarrying's from Tioga and California Avenue to evaluate the existing pavement section and assess the traffic loading that can be supported by the streets. This would allow the City to evaluate what the proposed improvements along Tioga and California would entail. The developer will be providing a report with their resubmittal of project plans.

Staff is reviewing the application of the single lot merger for 22 & 23 Scott Street. He thanked Mr. Meurer & Ms. Norgaard for working on the updates to the encroachment permit.

Council Member Blackwelder commented on the importance of having the Contra Costa street improvement as a priority. Mr. Meurer added that as the Council looks at the budget, they need to consider what level of strategic reserve they would like to have. The restructuring of the budget can be used for several items such as reducing PERS costs, capital improvements, personnel costs, etc. The restructuring would allow the

Council to see where the trade-offs will occur.

In response to the Mayor's question regarding the motor on one of the wells, Mr. Gomez replied that the vertical motor had to be extracted and replaced. Cal-Am is waiting for the part to be delivered. The Mayor requested that Staff follow up with Cal-Am on the status of the delivery.

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

### **A. Consideration of Cancelling Future City Council meeting**

**PURPOSE:** It is proposed that the City Council cancel the City Council meeting scheduled for July 2, 2019 to minimize conflict with the July 4, 2019 Independence Day Week

Mr. Meurer commented that several Council Members will be absent during the week of July 4<sup>th</sup>. He may also be asking for extra study sessions before the end of June.

Motion to cancel the July 2, 2019 Council meeting was made by Council Member Hawthorne, seconded by Council Member Cruz. There was consensus of the Council to cancel the July 2, 2109 City Council meeting.

### **B Comments by Council Members on Meetings and Items of interest to Sand City**

Council Member Sofer reported on her attendance at the Monterey County Commission on Disabilities meeting. They spoke to the issue of how disabled people can vote.

### **C. Upcoming Meetings/Events**

The City Clerk requested that the Council let her know who will be attending the July 25, 2019 Monterey Peninsula Chamber of Commerce Awards Dinner. Council Member Blackwelder confirmed his attendance. She reminded the Council of the upcoming dates for the city manager reviews and the League of California Cities conference.

City Attorney Norgaard reported that she will report out on her attendance at the City Attorney's conference at the next meeting.

## **AGENDA ITEM 11, CLOSED SESSION**

7:09 P.M.

*{A straw draw was conducted and Council Members Hawthorne and Sofer drew the short straws due to a possible conflict of interest by residing within 500 feet of the subject property. Council Member Sofer should have stepped down at the time, but only Council Member Hawthorne stepped down - Agenda item 11A(1)}*



Council Member Hawthorne was present for Item 11A(2) which was considered first.

**A. City Council/Agency Board adjourned to Closed Session**

**(1) Conference with legal counsel – anticipated litigation (Government Code Section 54956.9(e)(1) (1 case).**

**(2) Conference with labor Negotiator pursuant to Government Code Section 54957.6 Agency Designated Representative: Interim City Manager**

**Employee Organization: Sand City Police Officers Association (POA) and Miscellaneous Employees**

8:15 P.M.

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


Agenda item 11A(1) This item to be continued to the next Council meeting.

Agenda item 11A(2) Council gave direction to the labor negotiator.

Mayor Carbone added that Council Member Hawthorne was excused due to a conflict with agenda item 11A(1).

**AGENDA ITEM 12, ADJOURNMENT**

Motion to adjourn the City Council meeting was made by Council Member Blackwelder to the next regularly scheduled Council meeting on Tuesday, June 4, 2019 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 8:16 p.m.

  
Linda K. Scholink, City Clerk