

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

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Regular Meeting – September 20, 2016  
5:30 P.M.  
CITY COUNCIL CHAMBERS

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Mayor Pendergrass 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: Council Member Blackwelder  
Council Member Carbone  
Council Member Hubler {excused absence}  
Council Member Kruper  
Mayor Pendergrass

Staff: Todd Bodem, City Administrator  
Jim Heisinger, City Attorney  
Leon Gomez, City Engineer  
Brian Ferrante, Police Chief  
Connie Horca, Deputy City Clerk  
Charles Pooler, Associate Planner

**AGENDA ITEM 4, COMMUNICATIONS**

A. There was no written communication distributed to the Council.

B. Oral

5:32 P.M. Floor opened for Public Comment.

There was no comment from the Public.

5:32 P.M. Floor closed to Public Comment.

**AGENDA ITEM 5, 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 #371, McDonald Refrigeration (contractor), 605 California Avenue
  - (2) CUP #385, Sally Beauty Supply (retail), 828 Playa Avenue
  - (3) CUP #397, Salvation Army (service), 801 Scott Street
  - (4) CUP #466, Ferguson (wholesale), 666 Redwood Avenue
  - (5) CUP #499, Green Gopher Garden Supply (retail), 679-C Redwood Avenue
  - (6) CUP #501, Sylvan Design (art studio), 613-A Ortiz
  - (7) CDP #95-07, Giustiniani (manufacturing), 698 Ortiz Avenue
  - (8) CDP 11-11/CUP #528, Visions Design (distribution), 1729 Holly Street
  - (9) CUP #569, Devine Glass (manufacturing) 840-842 Fir Avenue
  - (10) CUP #570, Otter Bay Wetsuits (service), 337 Olympia Avenue
- B. There was no discussion of the Sand City Council Meeting Minutes, September 6, 2016.
- C. There was no discussion of the Public Works Monthly Report, August 2016.
- D. There was no discussion of the Police Department Monthly Report, August 2016.
- E. There was no discussion of the City/Successor Agency Monthly Financial Report, June 2016.
- F. There was no discussion of the City **Resolution** Granting the City Administrator Authorization to Execute a Water Assignment Agreement and Assign up to 0.081 Acre-Feet of Water from the Sand City Water Entitlement for William Taormina Live-Work Development Project at 445 Orange Avenue (APN 011-238-021).
- G. There was no discussion of the Fort Ord Reuse Authority (FORA) Report, September.
- H. There was no discussion of the City **Resolution** authorizing the City Attorney to Retain Vibeke Norgaard to provide legal services regarding review of the Sand City Municipal Code.

Motion to approve the Consent Calendar items was made by Council Member Blackwelder, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Carbone, Kruper, Pendergrass. NOES: None. ABSENT: Council Member Hubler. 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 HEARINGS

*{Council Member Kruper stepped down from the dais due to a possible conflict of interest by residing within 500 feet of the subject property}*

**A. Consideration of City RESOLUTION Approving Conditional Use Permit 608 Authorizing a Motorcycle Part Wholesale & Distribution Operation at 581 Redwood Avenue (*this item was continued from the September 6, 2016 Council meeting*)**

Associate Planner Charles Pooler presented an application submitted by Dan Kyle of Kyle Racing Engines to relocate an existing business into a commercial building on Redwood Avenue. The property is a two (2) story building and the applicant will be occupying the lower level of the building. The site will be used as a storage, distribution, office packaging, and internet sales of motorcycle parts and accessories. There will be no part manufacturing or motorcycle services performed on site. Hours of operation will be 8:00 a.m. - 6:00 p.m., Monday through Friday. Weekend hours should be restricted from 10:00 a.m. - 5:00 p.m. Inventory will arrive and ship out via Fed-Ex, DHL, and USPS. There will be no 18 wheeler truck deliveries. The site provides adequate parking spaces along the Redwood Avenue frontage. Staff does not anticipate any negative impacts, and recommends approval of the attached resolution with the conditions contained in the draft permit.

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

The applicant and owner, Dan Kyle commented that he has been conducting business in Sand City for 17 years. He was formerly at 801 California Avenue. There will be no motorcycle noise generated with business activities, as the work will only be geared to shocks and forks. He clarified that although Staff is recommending earlier hours of operation, business activities will commence at 8:00 a.m.

In response to the Mayor's question if Mr. Kyle was in agreement with the conditions of the use permit, Mr. Kyle responded that he was in agreement with permit conditions.

5:38 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution by title**, approving Conditional Use Permit 608 authorizing a Motorcycle Part Wholesale & Distribution Operation at 581 Redwood Avenue was made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Pendergrass. NOES: None. ABSENT: Council Member Hubler. ABSTAIN: Council Member Kruper. Motion carried.

*{Council Member Kruper returned to the dais}*

**B. Consideration of City RESOLUTION Approving Conditional Use Permit 609 authorizing a Storage Use at 801-B California Avenue**

Associate Planner Charles Pooler presented an application submitted by Don Orosco for storage of his vehicles and corporate documents at 801-B California Avenue. The adjacent unit is occupied by a door and window wholesaler, and the applicant proposes to utilize the space as a construction office in the future once the South of Tioga project commences. Each unit in the building is approximately 3,000 square feet. Since this is for storage of the applicant's personal classic and antique vehicles, there will be no manufacturing activities and/or maintenance or public services at this location. There will be no hours of activity on site; however, Staff is recommending hours between 7:00 a.m. – 6:00 p.m., Monday through Friday, and 10:00 a.m. – 5:00 p.m. on Saturdays, to mitigate any potential impacts. There is adequate parking along the California Avenue frontage for both the applicant and adjacent unit. Staff recommends approval of the attached use permit with conditions as presented.

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

On behalf of Don Orosco, representative Matt Nohr commented that vehicles stored will not only be Mr. Orosco's, but also other family members. At no time will repair, painting, or restoration activities occur. A small storage part area will be contained within the location, and the space will eventually be utilized as a construction office in the future.

Associate Planner Pooler recommended that Condition No. 2 of the use permit include language that refers to vehicle storage of the Applicant's family's personal car collection.

The Mayor asked Mr. Nohr if he was in agreement with the conditional use permit. On behalf of the applicant, Mr. Nohr responded that he was in agreement with the permit conditions.

5:46 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution by title**, as amended, approving Conditional Use Permit 609 authorizing a Storage Use at 801-B California Avenue was made by Council Member Blackwelder, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Carbone, Kruper, Pendergrass. NOES: None. ABSENT: Council Member Hubler. ABSTAIN: None. Motion carried.

**AGENDA ITEM 8, OLD BUSINESS**

**A. Progress and Status reports on Public Works projects, South of Tioga Redevelopment project, Coastal projects, TAMC meeting on**

## **SNG Project, desalination plant and wells, and other Sand City community programs by City Engineer/City Administrator**

City Engineer Leon Gomez reported that the desalination plant produced 13 acre feet through September 13<sup>th</sup>. A problem with the well on Vista Del Mar was remedied by Cal-Am. Staff has spent a considerable amount of time working with EMC Planning Group over the past week with regard to the biological constraints analysis draft report and figures. Additional information was also provided for the well noise analysis and construction duration/scheduling. Draft review comments were also provided to EMC in relation to the draft notice of incomplete Coastal Development Permit (CDP) for the proposed location of intake wells. A second revision of the draft report should be received this week. The Phase II Final Map review for the Bungalows at East Dunes project is pending a few documents from the applicant and should be completed early next week. The Monterey Regional Water Pollution Control Agency (MRWPCA) was contacted regarding the Bay Avenue storm drain project to pinpoint where the existing basin is located so that a new location for the storm drain could be identified. The Transportation Agency for Monterey County (TAMC) has provided draft language to the Stormwater agreement for the Porsche project and is currently being reviewed by management Staff. The regional Stormwater Management Program hired a California State University Monterey Bay (CSUMB) GIS intern to provide additional mapping services at no extra cost. The intern would perform work over the ten hours that have been allocated per participating agency by Association of Monterey Bay Area Governments (AMBAG).

In response to Council Member Kruper's question if there will be a point when the Stormwater permit requirements and need for services would level off, Mr. Gomez responded that unfortunately, the permits get bigger over time, and the City is leveraging the expertise of resources provided by AMBAG and CSUMB. This is saving the City thousands of dollars in avoiding hiring more personnel and consultants.

City Administrator Todd Bodem reported that a newspaper from Connecticut will be producing an article on Sand City. At their request, a picture of the beach was provided to them and once the article is written, will be forwarded to Staff and the City Council.

### **AGENDA ITEM 9, NEW BUSINESS**

#### **A. Approval of City RESOLUTION Rescinding Resolution SC 13-46 (2013) Approving a Memorandum of Understanding with Costco Wholesale Corporation**

City Attorney Jim Heisinger reported that back in 2013, a resolution was passed which approved a memorandum of understanding (MOU) with Costco. The final phase of the 3-year negotiations was discussed with Costco's legal counsel and the final draft of the MOU was sent to the

former City Administrator. Due to a clerical error the MOU adopted by the Council in 2013 was incorrect. When this was discovered later in the year, he requested that the incorrect MOU be rescinded and the correct one adopted. This request was never completed. The attached resolution would rescind the incorrect MOU formerly adopted in 2013.

Motion to approve City **Resolution by title**, Rescinding Resolution SC 13-46 (2013) approving a Memorandum of Understanding with Costco Wholesale Corporation was made by Council Member Blackwelder, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Carbone, Kruper, Pendergrass. NOES: None. ABSENT: Council Member Hubler. ABSTAIN: None. Motion carried.

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

Council Member Kruper directed the Council to page 118 of the agenda packet that provides a detailed review of the activities reported by the Monterey County Convention and Visitors Bureau (MCCVB) and how it affects some of the cities. The very last page also displays several website links where information can be gathered regarding car week, and where monies received are being allocated. He further reported on the Arts Committee's panel discussion that was attended by approximately 40 people. This event was facilitated by Council Member Hubler who did a great job in stimulating the conversation.

Vice Mayor Carbone reported that 62 volunteers were present for the Annual Beach Cleanup on Saturday, September 17<sup>th</sup>. A 40 yard dumpster was filled with help from the Public Works Department staff. A leak from the well was also reported and repaired that day. A Spirit Nest, created by Jason Phan is temporarily housed at the Community Garden until it is transported to a local school in Salinas. She commended Public Works for the great job they performed in coordinating both events on Saturday.

Council Member Blackwelder reported that during the Beach Cleanup, he surveyed other activities by other cities, and Sand City's was far superior. He also took photographs at the local recycle center.

The Mayor reported that approximately 200 people attended the Desal Plant Tour. The public was very inquisitive, and proved to be a successful event. Cal-Am answered questions, handed out water saving brochures and devices during the tour.

**C. Upcoming Meetings/Events**

There were no RSVP's from the Council.

**AGENDA ITEM 10, CLOSED SESSION**

6:04 P.M.

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

**Regarding Public Employee Contract Extension, pursuant to Section §54957 of the Ralph M. Brown Act, position: City Administrator**

6:27 P.M.

**B. The City Council/Agency Board 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 Council discussed the City Administrator Employment Agreement. No action taken.

**AGENDA ITEM 11, ADJOURNMENT**

There was consensus of the Council to adjourn the meeting to the next regularly scheduled meeting on October 4, 2016 at 5:30 p.m. The meeting was adjourned at 6:28 p.m.



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Connie Horca, Deputy City Clerk