

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

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

Mayor Pendergrass opened the meeting at 5:31 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
Council Member Kruper
Mayor Pendergrass

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

AGENDA ITEM 4, COMMUNICATIONS

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

B. Oral

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

There was no comment from the Public.

5:34 P.M. Floor closed to Public Comment.

AGENDA ITEM 5, CONSENT CALENDAR

A. There was no discussion of the Sand City Council Meeting Minutes, December 6, 2016.

B. There was no discussion of the Public Works Monthly Report, November 2016.

- C. There was no discussion of the Police Department Monthly Report, November 2016.
- D. There was no discussion of the Monthly Fort Ord Reuse Authority (FORA) Report, December 2016.
- E. There was no discussion of the City **Resolution** granting the City Administrator Authorization to Execute a Water Assignment Agreement and Assign up to 0.325 acre-feet of Water from the Sand City Water Entitlement for the Jaroslav Stepanek Mixed-Use Development Project at 414 Orange Avenue (APN 011-271-023)

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

A. Presentation of Certificates by Mayor David Pendergrass and Stephen Vagnini to Volunteers/Supporters of the 2016 West End Celebration

West End Celebration (WEC) coordinator Stephen Vagnini presented certificates of appreciation to staff, council members, and public individuals who participated in the 2016 West End Celebration. Council Member Kruper distributed t-shirts to several individuals. Mr. Vagnini expressed his thanks to the Council for their support as well. Mayor Pendergrass presented Mr. Vagnini a certificate of appreciation for his hard work and dedication in the coordination of the West End Celebration. Mr. Vagnini commented that without the support of the Council, Public Works and Police Departments, the West End Celebration would not be possible. The Mayor reported that over 10,000 people attended during the course of the event.

AGENDA ITEM 8, PUBLIC HEARINGS

A. SECOND READING: ORDINANCE Amending Chapters 18.04, 18.06, 18.08, 18.10, 18.12, 18.13, 18.21, and 18.59 of the Sand City Municipal Code Title 18 (Zoning Ordinance) and the Official City Zoning Map to Implement Policies of the 2015-2023 (5th Cycle) Housing Element as Conditionally Certified by the State Department of Housing and Community Development

Associate Planner Charles Pooler reported that at the December 6, 2016 Council meeting, the City Council adopted for first reading an ordinance to update various Chapters and Sections of the City's Zoning Code (Municipal Code Title 18) to implement compliance with State law and Department of Housing and Community Development (HCD) that will maintain certification of the City's Housing Element. The ordinance requires Council adoption for second reading. Staff recommends adoption of the attached draft ordinance.

5:48 P.M. Floor opened for Public Comment.

There were no comments from the Public.

5:48 P.M. Floor closed to Public Comment.

Motion to approve the Second Reading of the **Ordinance** Amending Chapters 18.04, 18.06, 18.08, 18.10, 18.12, 18.13, 18.21, and 18.59 of the Sand City Municipal Code Title 18 (Zoning Ordinance) and the Official City Zoning Map to Implement Policies of the 2015-2023 (5th Cycle) Housing Element as Conditionally Certified by the State Department of Housing and Community Development was made by Council Member Kruper, seconded by Council Member Blackwelder. Roll Call Vote AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

B. SECOND READING: ORDINANCE of the City Council of Sand City to Increase the Rate of Transient Occupancy Tax Imposed in Sand City from Eight Percent to Twelve Percent

City Administrator Todd Bodem reported that Staff and the Budget/Personnel Committee recommends approval (for second reading) of the attached ordinance increasing the rate of Transient Occupancy Tax from 8% to 12%.

5:51 P.M. Floor opened for Public Comment.

There were no comments from the Public.

5:51 P.M. Floor closed to Public Comment.

Motion to approve the second reading of the **Ordinance** of the City Council of Sand City to Increase the Rate of Transient Occupancy Tax Imposed in Sand City from Eight Percent to Twelve Percent was made by Council Member Carbone, seconded by Council Member Kruper. Roll Call Vote AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 9, OLD BUSINESS

A. Progress report on Public Works projects, South of Tioga Redevelopment project, Coastal projects, and other Sand City community programs by the City Engineer/Community Development Director/City Administrator

City Engineer Leon Gomez reported that the desalination plant produced 11 acre-feet of water to date for the month of December 2016. Cal-Am has provided to City staff, an initial report on the strategy for increasing the discharge limit of the desal plant to allow for more consistent production. Studies would be conducted to determine whether any significant environmental impacts would result from increasing the discharge limit. The determination will guide the level of further CEQA review. If the City acts as lead agency and undertakes the CEQA review, an application to the Regional Water Quality Control Board (RWQCB) for a revision to the Waste Discharge Permit would generally follow the CEQA review, as would an application to the Coastal Commission for an amendment to the Coastal Development Permit (CDP).

The applicant for the Porsche site improvements has provided a third submittal of the project improvement and stormwater control plans. A first submittal of the Operation and Maintenance of the bio-retention system was also received. When final City comments have been addressed, the documents will be considered final and the agreement regarding maintenance of the stormwater facilities may be executed and a building permit issued. Staff attempted to record the Phase 2 Final Map of the Bungalows at East Dunes Phase 2 Project earlier today, but was informed that two additional documents are required. The Associate Planner has contacted the developer to obtain these documents in hopes that recording of the map would occur prior to the end of the year.

City Administrator Todd Bodem reported that he was in communication with Coastal Commission staff who will provide recommendations and conditions for the requirements from the City's response to the Notice of Incomplete Well Expansion.

Associate Planner Charles Pooler reported that he met with Mr. Orosco, City Staff and Michael Groves to discuss the application requirements for the South of Tioga area. The application and projects are expected to be received by the City in early 2017. The biological assessment will need to be scheduled for the environmental report as well as securing other properties within the area. There are other details that need to be considered, but the project is moving forward. Mr. Bodem added that DBO had graciously provided an additional \$20,00 of reimbursement funds to move forward with expenditures associated with the project for EMC Planning Group services.

B. Discussion and Update on Successor Agency

City Administrator Todd Bodem reported that the Successor Agency will have one more meeting with the Sand City Oversight Board (OB) for approval of the Recognized Obligation Payment Schedule (ROPS) prior to its governance by the Countywide Oversight Board. The sale of the 6 lots to Urban Atelier LLC. of the Carroll Property will be addressed at this meeting. The remaining 8 lots of the Carroll Property, Community Garden, and the Independent Easements will be transferred and accepted by the City soon. The sewer lift station property sale to DBO is still in progress. In the Long Range Property Management Plan and the McDonald property will be held by the RDA, and only if King Ventures exercises its right to terminate the DDA; will the McDonald site be transferred to the City. City Attorney Jim Heisinger added that none of the implemented property actions require approval of the Oversight Board. The only decision required at the next OB meeting will be for the approval of the next ROPS. There may be certain loan agreements that will go to the OB before it is governed by the Countywide OB.

The Mayor commented that it is good to have all the properties conveyed before it goes to the County.

In response to Council Member Kruper's inquiry regarding the outstanding loan the former Redevelopment Agency owes to the City, the City Attorney reported that certain legislation has affected the repayment of that loan, and the Oversight Board does have discretion whether to approve the repayment of that loan. The interest charged on the principal outstanding balance has been changed at least 2 times by legislation, and a repayment schedule has not been calculated. Staff will be looking into the loan, making a recommendation, and obtain approval of the repayment agreement. The Successor Agency still has issues that need further resolution such as the McDonald project and funds allocated for a public project.

There was Council discussion regarding available funds, the purpose of the use of bond proceeds, and the specific uses of those proceeds as it relates to public improvements. The Mayor suggested that the Budget Committee take a look at what public projects these funds can be utilized for.

AGENDA ITEM 10, NEW BUSINESS

{Council Members Blackwelder and Hubler stepped down from the dais due to a possible conflict of interest by residing within 500' of the subject property}

A. Consideration of Successor Agency RESOLUTION Authorizing its Executive Director to Enter into an Agreement to Sell Certain Real Property to Urban Atelier, LLC

The City Attorney commented that following the Council's consideration of the attached matter under closed session, several changes have been made to the agreement for sale of certain real property to Urban Atelier, LLC. On page 101 of the agenda packet, paragraph 2, the deed restriction with respect to parking restricts use of the six lots to service commercial businesses at the Independent. The Independent has the ability to replace that parking restriction on other property across the street should the trade go through. The property the City is selling will be restricted to off-site vehicular parking of commercial businesses in Sand City for the Independent. This was the major issue between the buyer and seller. The resolution is to approve the purchase and sale agreement. The two exhibits attached are the grant deed (page 100) and agreement regarding easements (page 105). The easements in question are basically reciprocal easements, most of which have to do with storm drains. He provided clarification on the location of the storm drains and its impacts on the easements, as well as details of the deed restriction should the property be resold.

Motion to approve the Successor Agency **Resolution by title**, authorizing its Executive Director to Enter into an Agreement to Sell Certain Real Property to Urban Atelier, LLC was made by Agency Member Kruper, seconded by Agency Member Carbone. AYES: Agency Members Carbone, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Agency Members Blackwelder, Hubler. Motion carried.

{Council Members Blackwelder and Hubler returned to the dais}

B. Consideration of Perspective Police Officer Pay Grade

Chief Brian Ferrante reported that the department has tested, identified, and chosen an individual to fill one of two police officer positions. The officer chosen is Matthew Blackmon, an eight year veteran police officer from the City of Seaside. Matthew has received twenty commendations, was chosen as Seaside's 2016 Police Officer of the Year, and has received a recommendation from every officer in the department. The department would like to bring him in at a similar pay grade that he is currently making with the City of Seaside. He will be taking a slight pay cut, and is enthusiastic about becoming a part of Sand City's Police force. Staff recommends the Council authorize Step 5 for Matthew Blackmon, given his experience and history.

There was discussion regarding an increase in payroll, and the elimination of overtime hours. Council Member Kruper requested that Staff provide a cost analysis of how many officers were brought in, at what step, police department payroll report, and overtime hours as of mid-year. This would help the Council to assess where the department stands and its impact on payroll costs. Chief Ferrante indicated that the police officers hired have

been hired with experience and saves the City the cost of training a new hire. The Mayor received confirmation that the department is working on recruitment of reserve officers from Chief Ferrante.

There was consensus of the Council to approve the recommendation.

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

Mayor Pendergrass commented that the Annual Awards Banquet was very enjoyable, the service was very good, and that placing the dance floor in the middle of the room was creative.

Vice Mayor Carbone reported that she volunteered with the Monterey Fire Department to help wrap Christmas gifts for their annual toy drive. She also volunteered for the American Legion's children's Christmas party.

D. Upcoming Meetings/Events

There were no RSVP's for upcoming meetings/events from the City Council.

The Mayor wished the Council and Staff a very Merry Christmas and Happy New Year.

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Kruper to the next regularly scheduled Council meeting on Tuesday, January 17, 2017 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 6:25 p.m.



Charles Pooler, Associate Planner on behalf
of Connie Horca, Deputy City Clerk