

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

Regular Meeting – July 21, 2015
5:30 P.M.
CITY COUNCIL CHAMBERS

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
Council Member Kruper
Mayor Pendergrass

Staff: Todd Bodem, City Administrator
Jim Heisinger, City Attorney
Leon Gomez, City Engineer {arrived at 5:34 p.m.}
Brian Ferrante, Police Chief
Charles Pooler, Associate Planner
Linda Scholink, Director of Administrative Services

AGENDA ITEM 4, COMMUNICATIONS

A. The City Administrator commented that a handout will be provided during consideration of agenda item (8A).

B. Oral

5:33 P.M. Floor opened for Public Comment

There were no comments from the Public.

5:33 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 #377, Hartzel Automotive (auto), 510-A California Avenue
- (2) CUP #399, Edgewater Center, (retail/multiple sites), 915, 925 Playa & 2030 California
- (3) CUP #419, Carmel Tile/Doubleday (showroom/storage), 1725 Contra Costa
- (4) CUP #495, Alternator & Starter Exchange (assembly), 352-B Orange Avenue
- (5) CUP #368, Jersey's (food service), 832 Playa Avenue
- (6) CUP 521, Michael Sweeney (storage), 467 Shasta Avenue
- (7) CUP #522, North Bay Rehabilitation (contractor), 701 Redwood Avenue
- (8) CDP 11-09, Rebecca Bernstein (hydrotherapy), 1807-B Contra Costa

- B. There was no discussion of the July 7, 2015 Sand City Council Meeting Minutes.
- C. There was no discussion of the Police Department Monthly Report, June 2015.
- D. There was no discussion of the Public Works Monthly Report, June 2015.
- E. There was no discussion of the City **Resolution** approving Time Extensions to October 31, 2015 of Multiple Conditional Use (CUPs 450, 503, 508, 527, 532, 533, 540, 541, 544, 553) and Coastal Development Permit 14-01 to continue as interim uses at their respective locations within the South of Tioga Area.
- F. There was no discussion of the Fort Ord Reuse Authority (FORA) Report, July 2015.

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

- A. **SECOND READING: Ordinance of the City of Sand City Adopting and Adding Chapter 6.02 to the Sand City Municipal Code regarding the Feeding of Wild Animals**

Associate Planner Charles Pooler commented that at the July 7, 2015

Council meeting, the Council approved the first reading of the attached ordinance. In summary, the ordinance addresses both the intentional and unintentional feeding of wildlife, and accessibility of pet food left outdoors. Staff recommends approval of the second reading of the attached ordinance.

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

There were no comments from the Public.

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

Motion to approve the **Second Reading** of the Ordinance of the City of Sand City adopting and adding Chapter 6.02 to the Sand City Municipal Code regarding the Feeding of Wild Animals was made by Council Member Kruper, seconded by Council Member Hubler. Roll Call Vote AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

The Mayor announced that the Ordinance will become effective 30 days following its adoption.

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

B. Consideration of City RESOLUTION to Deny Issuance of a Coastal Development Permit and Site Plan Permit to Mark Hyles for Developing a Single Family Residential Dwelling on a 25-Foot Wide Lot at 1843 Park Avenue (APN 011-181-029)

Associate Planner Charles Pooler commented that as suggested by the City Council at the July 7, 2015 Sand City Council meeting, a resolution for denial of a Coastal Development and Site Plan permit to Mark Hyles for development of a single family residential dwelling at 1843 Park Avenue is presented for formal action by the City Council.

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

There were no comments from the Public.

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

Motion to approve the City **Resolution**, by title to Deny Issuance of a Coastal Development Permit and Site Plan Permit to Mark Hyles for Developing a Single Family Residential Dwelling on a 25-Foot Wide Lot at 1843 Park Avenue (APN 011-181-029) was made by Council Member Hubler, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Hubler, Kruper, Pendergrass. NOES: None.

ABSENT: None. ABSTAIN: Council Member Carbone. Motion carried.

{Council Member Carbone returned to the dais}

C. Consideration of City RESOLUTION Approving Conditional Use Permit 594 for Max Kammerer allowing an Ornamental Metal Workshop at 836 Afton Avenue as an interim use until New Development of the South of Tioga Commences

Associate Planner Charles Pooler presented an application for a conditional use permit submitted by Max Kammerer for an Ornamental Metal Workshop at 836 Afton Avenue. The subject property is located within the South of Tioga Planning District in a 2,000 square foot 1-story structure. A portion of the property will be used for personal purposes. The ornamental workshop will manufacture gates, hand and balcony railings, and other decorative metal items using various equipment/tools such as grinders, welders, hammer machine, and a drill press. Metal workshops have the potential to create excessive noise and vibrations. The hammering and metal cutting activities should be confined to the building; however, the site is relatively secluded; therefore, staff does not recommend the roll-up doors be closed unless problems arise. Intended hours of operation are 9:00 a.m. to 5:00 p.m., Monday through Friday with occasional Saturday activities. Staff recommends Saturday operations do not commence prior to 10:00 am and that there should be no operation on Sundays or holidays. The applicant's use requires three on-site parking spaces. The property has sufficient front yard area to provide four on-site parking spaces. The applicant has one truck and forklift that he intends to store on the property. Keeping the forklift parked inside the building or behind the fence is a requirement of the permit. The property can accommodate loading/unloading from smaller trucks and flatbeds without impeding on Afton Avenue.

The yard can accommodate outside storage, and should development of the surrounding area proceed, it is recommended that the permit only allow outside storage within the confines of the fenced yard. In the future, the City may wish to impose a requirement that the yard area is tarped/tented over for additional visual screening from above. The applicant was informed that the subject property is located within the South of Tioga Planning District, targeted for future development. As with all previous permits issued to uses within the Planning District, staff recommends the permit include a termination clause; specifying termination on July 31, 2016, with the option of 90-day time extensions thereafter at the discretion of the City Council. The Fire Department commented that the applicant needs to provide plans identifying the wall separation to determine whether the occupancy separation meets code requirements, and will need to be reviewed by the Fire Department to determine applicable Fire Code requirements/restrictions. Staff recommends approval of a conditional use permit with the recommended conditions/restrictions including the time limits.

In response to Council Member Kruper's question whether the property was owned by the Orosco's, Associate Planner Pooler responded that they do not own the property.

5:44 P.M. Floor opened for Public Comment.

The applicant Max Kammerer commented that the location does not appear to have heavy traffic, and several employees will be available to ensure that trucks can be maneuvered along the street.

There was discussion regarding the height of ornamental artwork and whether it would cause blight. Mr. Pooler suggested that the use permit language regarding the height of the fence be deleted. Mr. Kammerer addressed his concerns with the overgrown trees reaching power lines, street ruts in front of the property, the lack of the visibility of street signs, and whether the City can work on resolving the issues. Mr. Pooler confirmed the street conditions and his concern of large heavy trucks using the street. Council Member Kruper commented that the Public Safety Committee is presently working on renovating the City's street signs.

The Mayor asked the applicant if he was in agreement with conditions of the use permit with modifications to condition number 9 & 11. The applicant responded that he was in agreement with permit conditions as amended.

Sand City resident Steve Wilson expressed his concern regarding the availability of a restroom at the location. He mentioned that there have been people and employees who work in the area adjacent to his home who have been urinating and emphasized that he would rather not be a witness to it. There was Council discussion regarding certain businesses in the area that do not have restroom facilities.

5:55 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution, by title**, as amended approving Conditional Use Permit 594 for Max Kammerer allowing an Ornamental Metal Workshop at 836 Afton Avenue as an interim use was made by Council Member Carbone, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

- D. **FIRST READING: Ordinance of the City of Sand City Adopting Chapter 15.14 to the City Municipal Code for a Streamlined Permitting Process for Small Residential Rooftop Solar Systems {this item to be continued to a future meeting}**

Associate Planner Charles Pooler suggested that the Council set the date

for the first reading of the ordinance to a specific date in order to save the cost of republishing the public notice. The ordinance must be adopted and in effect by September 21st to be in compliance with Assembly Bill 2188 requirements.

Motion to continue the First Reading of the **Ordinance** of the City of Sand City Adopting Chapter 15.14 to the City Municipal Code for a Streamlined Permitting Process for Small Residential Rooftop Solar Systems to the August 4, 2015 Sand City Council meeting was made by Council Member Blackwelder, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 8, OLD BUSINESS

A. Update by City Administrator on Sand City's 2015 Strategic Plan/Goals and 2015 Implementation Plan

City Administrator Todd Bodem distributed a handout regarding the 2015 Implementation Plan. He reported that in January 2015, a goal setting session with four broad goals and sub-goals were recognized which serves as an action plan. The four broad goals include improvement of City functions, development of stronger partnerships with surrounding communities, capital improvement and facility needs, and implementation of economic development strategies and enhance city finances. He addressed the sub-goals of each category and reported on the City's existing Charter. The City Attorney commented on the articles written by the League, and the power of a Charter City compared to that of a General Law City.

Mr. Bodem continued that Goal 1 also involves the hiring of a new police Chief (which was achieved), review and update of the City's personnel manual, and municipal codes (this may take at least one year to complete), reduction of City operational costs (on-going), to improve the employee evaluation process, develop financial strategies, improve code enforcement, City's website update. Staff has also discussed the development of a cost/benefit analysis to provide in-house street sweeping services, identification and development of financial policies, exploration of all options for improvement of City services, to implement developer reimbursement agreements, and procurement of a company that can scan and digitize City records.

For Goal 2, the strategic initiatives involve the improvement of community engagement partnerships, continued partnership with Cal-Am to implement modeling effort and slant wells, outreach to local businesses and the community. A draft MOU is presently in development for the 911 Joint Powers Agreement. Several sub-goals in relation to Goal 3, Capital Improvement & Facility Needs included improvements to the City hall floor plan and bathrooms (an amount is budgeted for this item), development of

a 5 year capital improvement plan (CIP) for City streets, enhancement of street trees and landscaping (a bid is in process), monument signs, improvement to street lights, completion of California Avenue extension, improvement of traffic circulation at the shopping centers, evaluation of the City's current zoning requirements for parking (determination where parking regulations can accommodate desirable land uses), and to conduct a needs assessment on public parking (the evaluation of City's parking and implementation of a parking plan/costs is contained within EMC Planning Group's contract).

Goal 4 would include procurement of a consultants quote to develop an economic development strategy and provide on-going assistance, grant procurement (cease opportunities for improvement of City streets, bike path, etc.), promote and engage the South of Tioga, Costco Service Station, King Ventures and Monterey Bay Eco-Resort projects. The strategic initiative would also involve the assessment of Citywide planning issues, address the East Dunes development constraints to promote further residential development, review draft housing element, update fee schedule, submittal of the Long Range Property Management Plan, and amendment of the General Plan for update.

The Mayor received clarification regarding undergrounding of utilities for City projects from Associate Planner Pooler. Mr. Pooler commented that there is no requirement of undergrounding for new buildings in the West End District due to the extensive costs involved. The Mayor suggested that Staff research undergrounding in the West End District and to collaborate with Pacific Gas & Electric, to see how it can be applied/developed for future development.

The City Administrator pointed out that cities do not typically evaluate the City's strategic plan annually, but rather every 3 years. The Mayor suggested that the City should hold one annually in either January or February to reassess and re-evaluate the City's goals. Council Member Blackwelder added that the City Administrator could provide the Council with updates should there be significant changes to projects such as the Costco service station. He also suggested conducting an undergrounding of utilities study at Contra Costa and how to improve the downtown area, along with other various streets within the City. Council Member Carbone commented that the strategic plan is a working document and provides a basis of the City's future goals and the direction in which the City would like to move forward.

Mr. Bodem emphasized the Planning Department's duties, responsibilities, tasks, and the need for code enforcement that planning department Staff has been tasked with. He recommended that the Associate Planner be promoted to City Planner status and to include the Community Development Director title as part of the City Administrator title for signing documents.

There was Council discussion regarding the City's previous transition and Mr. Pooler's ability to demonstrate his talents. The Mayor recommended that this be brought to the Committee level prior to consideration by the Council, and that reserve officers should be used for needs of the police department. Chief Ferrante commented on reinforcing the departments reserve program, code enforcement, and the departments attempt in the recruitment of retired police officers who desire to remain in public safety on a part-time basis. This would adequately fill in the gaps left by police staff that is presently on disability leave.

B. Progress report on Public Works projects, Successor Agency Oversight Board, South of Tioga 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 8.8 acre feet. The low production was a result of high salinity and conductivity at the feed wells, making it difficult for Cal-Am to meet the brine discharge limits. The plant is currently inoperable due to rehabilitation of Tioga well #5. The lack of rain has also added to low production numbers. The developer of the Bungalows Project has requested an inspection of the Phase I improvements. Initial lists of items were submitted to the developer which included the cleaning of the storm drains, bolting of the monument sign, and general clean up.

Associate Planner Pooler reported that he received building improvement plans for installation of solar panels for Target. The work has a valuation of \$250,000 and should commence within the next few weeks. Staff has also been working with AMBAG on the application process for the Highway Safety Improvement Plan.

City Administrator Todd Bodem reported that a newsletter will be mailed out to residents regarding the newly adopted wildlife ordinance, City branchlet, and street sweeping schedule. The newsletter would also include public relations meetings with the new Chief of Police and City Administrator.

The Mayor added that two sites within the Sand Dollar shopping center may be leased to another company that has expressed interest in the spaces.

AGENDA ITEM 9, NEW BUSINESS

A. Consideration of City RESOLUTION Approving a Fifty Percent (50%) Cost Share with California American Water for Additional Ground Water Modeling Work for the Sand City Desalination Plant at a cost not to exceed \$27,000

City Administrator Todd Bodem commented that through intense

negotiations, a full modeling work will need to be performed due to current drought conditions. The full amount of the modeling as submitted by Hydrometrics is \$54,000. Cal-Am has negotiated to pay for 50% of the modeling costs. The City Attorney reported that the salinity is higher than as originally projected due to the drought. The system was under designed and there is a need for more feed wells. The Coastal Commission will not issue a permit, until an update of the hydrological information is provided. The modeling work will need to be performed prior to Coastal staff issuing permission to install more wells. The City Administrator added that since this item was not budgeted, it will come out of the City Council's contingency funds.

Motion to approve the City **Resolution** approving a Fifty Percent (50%) Cost Share with California American Water for Additional Ground Water Modeling Work for the Sand City Desalination Plant at a cost not to exceed \$27,000 was made by Council Member Kruper, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

B. Comments by Council Members on Meeting and Items of Interest to Sand City

Council Member Kruper requested that the City Council agenda packets include the minutes from all standing committee meetings. These minutes would be the approved minutes of the standing committees and placed under the consent calendar. In regards to the Monterey County Convention and Visitors Bureau, their President and CEO Tammy Blount has been appointed as Secretary/Treasurer of Destination Marketing Association International (DMAI) and is one of five women who have held this position.

Council Member Hubler reported that several applications have been received for the West End Celebration. The Art Committee is also planning on hosting a holiday art sale some time in early December, 2015.

Council member Carbone requested that the mini newsletter contain information regarding the City's involvement in the holiday gift program that is being sponsored by the Fire Department. She would like the newsletter to announce the upcoming date and whom to contact. The Vice-mayor also thanked City Administrator Bodem, Director of Administrative Services Scholink, and Council Member Kruper for attending the Community Human Services Annual Luncheon.

Council Member Blackwelder reported that the City Administrator's strategic implementation plan was part of his performance review. One of the things that the Council wanted to see was an understanding of the budget and employee management.

Council Member Kruper thanked City Engineer Leon Gomez for the quality work he provides for Sand City.

C. Upcoming Meetings/Events

There were no RSVP's from the Council.

AGENDA ITEM 10, CLOSED SESSION

7:21 P.M.

A. City Council /Agency Board to adjourn to Closed Session:

1) To confer with Legal Counsel regarding pending litigation in accordance with Government Code Section 54956.9(d)(1):

- a) Monterey Peninsula Water Management v. State Water Resources Control Board (No. M102101), and related cases
- b) Seaside v. Sand City (No. M120996) and related cross action
- c) Seaside v. Sand City (King Ventures) (No. M126354)

8:00 P.M.

B. 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 City Council received a report from the City Attorney on three matters listed. No action was taken.

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn the Council meeting was made by Council Member Kruper, seconded by Council Member Hubler. There was consensus of the Council to adjourn the meeting at 8:03 p.m. to the next regularly scheduled Council meeting on August 4, 2015 at 5:30 P.M.



Linda K. Scholink
Linda K. Scholink, City Clerk