

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

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Regular Meeting – September 15, 2015  
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  
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  
Linda Scholink, Director of Administrative Services

**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.

Sand City resident Tom Harper commented that as a resident living on Diaz Avenue, he would like to know whether the sidewalks on Diaz would be completed.

Sand City resident Steve Wilson commented that the contractor who performs sweeping services along his street has been leaving rubbish, and expressed his concern regarding the City's purchase of a sweeper. He suggested that the City consider trying out a broom sweeper before making a purchase.

In response to Mr. Harper's concern regarding the completion of the sidewalk on Diaz Avenue, Council Member Kruper reported that the Public

Safety Committee has currently budgeted an amount for repairs on Hickory Avenue. The Committee conducted a walk-through of all the City streets, and sidewalk repairs are proposed as part of future capital improvement projects. He confirmed that it has been discussed and a great deal of information has been researched. The City is presently working on several capital improvement projects.

Chief Brian Ferrante addressed Mr. Wilson's concern regarding the City's purchase of a street sweeper. Both the vacuum and broom sweepers were both considered in relation to the City's needs. The model chosen and presented to the Council is adequate to also collect sand, rocks, and other debris; whereas, the broom sweeper does not provide enough power to collect debris and other materials. Staff will be testing the sweeper to ensure that it performs the job prior to its purchase.

5:37 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 1, 2015.
- C. There was no discussion of the Public Works Monthly Report, August, 2015.
- D. There was no discussion of the Police Department Monthly Report, August, 2015.

- E. There was no discussion of the June 30, 2015 Public Safety Committee Meeting Minutes.
- F. There was no discussion of the City/Successor Agency Monthly Financial Report, July 2015.
- G. There was no discussion of the City **Resolution** recognizing September 2015 as National Recovery Month.
- H. There was no discussion of the City **Resolution** amending the Website Redesign Agreement with EMC Planning Group to include Design of Additional Pages for the Sand City Website at a cost not to exceed \$5,000.
- I. There was no discussion regarding approval of the Notice of Acceptance for the Bungalows at East Dunes Phase 1 Public Improvements.

Motion to approve the Consent Calendar items was made by Council Member Kruper, seconded by Council Member Blackwelder. 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. Presentation by EMC Planning Group on Sand City's Housing Element Update and acceptance of Comments from the General Public (15 minutes)**

Mayor Pendergrass commented that Sand City's Housing Element is required every eight years. Mr. Richard James will be providing a presentation of Sand City's Housing Element, and the floor will be open for public comment following his presentation.

Richard James of EMC Planning Group reported that the Housing Element is one of seven general plan elements mandated by the State, now tied to the regional transportation program, and has to be done every 8 years. The updated Housing Element will cover a period from 2014 to 2023. The deadline for Council approval falls on December 31<sup>st</sup> 2015, but it can be submitted on April 30, 2016 at the latest. EMC would like to submit the Housing Element to the State Housing Community Development Department in November/ December for their review, and then submitted back to the City Council for adoption by February, 2016. Mr. James summarized that the Housing Element consists of data which guides the City's plans & policies for a housing program. A target is set by

the State to provide a specific number of housing units. Sand City is looking at 55 housing units over a period of 10 years composing of 13 very low income (less than 30% of medium income), 9 low income, 10 moderate, and 23 above moderate (any price point) units. Sand City has more residential rental households with approximately 15% of owner occupied units. In 2013, the medium income in Sand City was \$34,500, Monterey County's was \$59,000. In conclusion, Mr. James invited the Council and Public to provide input.

5:45 P.M. Floor opened for Public Comment.

Sand City resident Sydney Harper commented that she is one of the owner occupied residences in Sand City. She would like to see the City with more owner occupied housing. The City would be more attractive with repaired/new sidewalks, and additional modes of transportation. An improvement in the City's infrastructure would attract more owner occupied residences.

Mr. James mentioned that the Housing Element does look at sidewalks, transportation, and the general population's needs. The Housing Element would consider issues such as extra programs that address medium incomes, with the goal to make housing more affordable to the public. Associate Planner Pooler added that the Housing Element addresses issues of lower income individuals that cannot be dealt with individually, such as their living situation. The Housing Element would assist in providing more affordable housing and transportation needs for these individuals.

There was discussion regarding the City's industrial community, it's transition to provide affordable housing units, loss of local redevelopment agencies, and policies and procedures for developers who may want to build affordable housing. Mr. James also explained for Vice Mayor Carbone, the percentage of the County's medium income in comparison to what they are earning annually to meet the criteria of very low, low, and medium income wage earners. The Mayor explained the City's efforts over the past several years in moving forward with anticipated City projects, proposed developments, availability of water, the City's progress in providing water to new developments especially without the aid of a redevelopment agency, and how the City has worked hard in accomplishing it's goals.

5:58 P.M. Floor closed to Public Comment.

Associate Planner Charles Pooler concluded that the Housing Element administrative review would be appraised by Staff, submitted to the State for their comments, and then to the Council for review and adoption.

*{Council Member Blackwelder 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 approving Conditional Use Permit 596 and Coastal Development Permit 15-03 for City of Monterey's Museum and Cultural Art Division for the Storage of Art at 1 John Street**

Associate Planner Charles Pooler presented an application submitted for a coastal development and conditional use permit by Chalet Booker representing the City of Monterey's Museum & Cultural Art Division, to occupy a 2,000 square foot commercial unit at 1-B John Street for storage of art during the renovation of the Monterey Conference Center. The building is divided into three units with each unit approximately 60 feet deep and 33 feet wide. The storage occupancy would be for a term of approximately two years; however, the applicant may wish to continue to use the site for long term storage. Movement of inventory should take up to three days with 1 to 2 trucks. Hours of on-site activity should occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays to mitigate potential noise. Activity at this site will primarily be the initial moving of art. The location contains 11 parking spaces, and the storage use requires 2 parking spaces. There are sufficient parking spaces to accommodate the existing uses. Staff recommends the permit contain language that prohibits outside storage on the site to include pallets, crates, and other such items. Detrimental impacts are not anticipated, and loading/unloading activities can be adequately accommodated on-site without traffic interference. Staff recommends approve of the coastal development and conditional use permits for the applicant.

6:05 P.M. Floor opened for Public Comment.

Dennis Copeland representing the Monterey Conference Center commented that the unit will be used to store medium to large art pieces currently displayed at the Monterey Conference Center. The conference center renovation project is anticipated to be completed by 2017. Artwork will be removed from the collection in April and will be offered to cities and other institutions.

Council Member Hubler inquired about the inventory list that was not attached with the packet. The jazz trumpet and chair were his production, and it would be nice to have those items in Sand City. Mr. Copeland indicated that there will be a small group of art that will be returned and others refurbished.

6:09 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution, by title**, approving Conditional Use Permit 596 and Coastal Development Permit 15-03 for City of Monterey's Museum and Cultural Art Division for the Storage of Art at 1 John Street was made by Council Member Hubler, seconded by Council

Member Carbone. AYES: Council Members Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Member Blackwelder. Motion carried.

*{Council Member Blackwelder returned to the dais}*

## **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 has produced 11.7 acre feet of water through September 14, 2015. The City Engineer and City Administrator met via conference call with Mr. Luster of the California Coastal Commission regarding the request for a time extension to respond to his notice of an incomplete coastal development permit application. A letter for a time extension was submitted and approved through September 2016. Staff will be meeting with AMBAG to review their progress for Sand City's maps. A meeting will also be held with the Monterey Bay Sanctuary to discuss pollutants of concerns that have been identified for the Cities of Del Rey Oaks, Seaside, and Sand City. A notice of acceptance for the Phase I improvements at the Bungalows project is in preparation for submittal to Monterey County for recording. Staff is developing 2-3 alternative layouts for review and comment for the California Avenue extension. A base map for conceptual layouts for the Hickory Avenue street improvements is also being discussed by Staff. The City Engineer provided contact information and requirements for public improvements of the Scott Street single family residential improvement project.

In response to the Mayor's inquiry regarding the status of the new wells, Mr. Gomez responded that Hydrometrics, Cal-Am's consultant had prepared a proposal, in which Staff responded with two comments. It appears that the second round of comments had not reached Cal-Am's consultant. An original proposal for the bid modeling was targeted for a six month time frame; however, Staff requested a more conservative time frame of 1 year. It is expected that the consultant will begin work by the end of October, 2015.

Mr. Gomez provided an update of the Bay Street inlet for Council Member Blackwelder. A local firm has been contacted to conduct the work.

Associate Planner Charles Pooler reported that Target Store's solar panel installation project is moving forward. Revised plans were received today for the Morales project on Scott Street. Dr. Ghandour contacted Staff regarding the vesting tentative map for the Monterey Bay Shores Eco-resort. Approval of the tentative map may be scheduled for Council action

at the November 3<sup>rd</sup> Council meeting. Once Dr. Ghandour receives his coastal development permit he would have the ability to move forward with his project.

City Administrator Todd Bodem reported that SB 705 would allow TAMC to place a 3/8% measure transportation sales tax for the County to achieve funds for transportation needs. This additional sales tax measure is not State-wide and is only specific to Monterey County and one other county. He also reported that an interview was held for the lateral police officer position and the Police Department is working on finalizing the candidate list.

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

### **A. Consideration of Successor Agency RESOLUTION approving an Amended Administrative Budget for Fiscal Year July 2015 through June 2016**

Administrative Services Director Linda Scholink commented that the Successor Agency originally approved an Administrative Budget on February 17, 2015 for the period of July 2015 through June 2016. At the April 28<sup>th</sup> Oversight Board (OB) meeting, the OB did not want to approve a fiscal year budget, for the amount presented and chose to approve half of the original proposed budget for the period of July 2015 through December 2015. They further requested that Staff decrease the original amount to the adopted FY 2015-16 Administrative Budget. The attached resolution depicts an amended Administrative Budget to reflect the request of the OB and illustrates a decrease of overall expenses for the second half of the fiscal year for the period of January 2016 through June 2016. Staff recommends approval of the attached resolution approving the amended Administrative Budget.

6:23 P.M. Floor opened for Public Comment.

There was no comment from the Public.

6:23 P.M. Floor closed to Public Comment.

Motion to approve the Successor Agency **Resolution, by title**, approving an Amended Administrative Budget for Fiscal Year July 2015 through June 2016 was made by Council Member Kruper, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

### **B. Consideration of City/Successor Agency RESOLUTION approving the Recognized Obligation Payment Schedule (ROPS) for January 2016 through June 2016 (ROPS 15-16B)**

Administrative Services Director Linda Scholink commented that the attached Recognized Obligations Payment Schedule (ROPS) is for the time period of January through June 2016. The Successor Agency has two bond payments due and is requesting half of the total amount. There is an administrative fee of \$84,375, and a request of \$99,237 for the Supplemental Educational Revenue Augmentation Fund (SERAF) obligation that was previously requested and denied. According to the City's consultant (HdL), and outside legal counsel, a second request for the SERAF payment can be made to the Department of Finance on the ROPS 15-16B.

6:32 P.M. Floor opened for Public Comment.

There was no comment from the Public.

6:32 P.M. Floor closed to Public Comment.

Motion to approve the City/Successor Agency **Resolution, by title**, approving the Recognized Obligation Payment Schedule (ROPS) for January 2016 through June 2016 (ROPS 15-16B) 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.

**C. Consideration of City RESOLUTION authorizing the Purchase of a Schwarze SuperVac Gale Street Sweeper in the amount of \$96,259 and authorizing Staff to Proceed with the Lease-Purchase Financing**

City Administrator Todd Bodem commented that the Public Safety Committee met to consider the pros and cons for the purchase of the Schwarze Gale Street Sweeper. The Committee agreed to recommend to the Council, the financing and lease terms of 4.26% for a period of 6 years with DeLage Landen Public Finance.

Mayor Pendergrass commented that Staff should look at possible liabilities, adequate training, and part-time personnel to operate the sweeper. Council Member Kruper mentioned conducting an aggressive public relations campaign to the community to gain their support and inform them of street sweeping dates and times. The Chief commented that an outreach via direct mailer or flyers can be sent out to inform the community. He also provided additional information to the public audience on details of how the sweeper would perform to adequately sweep and vacuum debris and sand.

6:40 P.M. Floor opened for Public Comment.

Sand City resident Steve Wilson commented that with over 35 years of his experience working in construction, vacuum sweepers do not have the



ability to pick up large debris such as construction materials. The brush sweepers would have the ability to sweep larger debris into a dust pan, and brush sweepers can perform a more adequate job. If the bags in the vacuums are not constantly replaced, it would leave a large plume of dirt. He suggested that the Council research at both options before committing to a purchase of a sweeper.

Sand City resident Roy Meadows inquired whether the street sweeper will be used along the bike path. Chief Ferrante replied that it can be used on the bike path should it be needed there.

There was further discussion regarding the possibility of contracting out the sweeper to help with the financing, legal concerns, cost effectiveness of owning one, and testing the sweepers performance on a trial basis prior to its purchase.

6:46 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution, by title**, authorizing the Purchase of a Schwarze SuperVac Gale Street Sweeper in the amount of \$96,259 and authorizing Staff to proceed with the Lease-Purchase Financing, was made by Council Member Kruper, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

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

Mayor Pendergrass reported that he received a phone call from a representative of the Independent regarding the deed restrictions and requested Staff to research the issue. Next weekend, September 19<sup>th</sup> will be the Beach Clean-up and Desalination Plant 'Open House' events. Cal-Am will be providing water conservation devices and samples of desal plant water.

Council Member Blackwelder reported that four (4) candidates were interviewed for the police officer position. Chief Ferrante will narrow the interviewees to two (2) final candidates and estimates the position be filled within the next six to eight weeks.

Vice Mayor Carbone announced that this Wednesday, the Good Samaritan Center will be celebrating "cooking for recovery" hosted by the Salvation Army from 11:00 a.m. to 2:00 p.m. The same event will also be available at the Salinas train parking station.

Council Member Hubler commented on the popularity of the plaza area at the Independent as a place to skateboard. He contacted the police department regarding the activity, approached the skateboarders, and

received negative responses from them. Chief Ferrante clarified that if skateboarders are not residents at the Independent and have been asked by the management to leave, the activity would be considered trespassing. Another option would be to have an agreement by proxy to install a 'no trespassing' sign in which the police department may be able to enforce as a trespassing violation activity. Council Member Hubler expressed his concern that other municipalities have been sued by skateboarders and would not like Sand City to be in the same position.

Council member Hubler also reported that an Arts Committee meeting was held last Tuesday involving intense discussion regarding more involvement of the Arts Committee to work with the West End Coordinator in assisting and planning for the next West End Celebration (WEC). He commended Mr. Vagnini for another successful event and for a job well done. Suggestions for next year's event included a juried art section and the possibility of bringing back the fashion show. It is Council Member Hubler's hope that the City can retain the services of Mr. Vagnini. The WEC is experiencing a great deal of popularity and due to 'growing pains' the Committee is looking at expanding next year's event. The Committee is proposing a studio arts tour in October for Sand City artists who have expressed interest in participating, and a holiday art sale for the month of December. The Arts Committee will be providing advertisement through the Weekly, and social media. The Committee's goals are to hold events that will benefit the artists in Sand City.

Council member Kruper reported on the Ordinance 152 Board meeting to be held this week. MCCVB is on a break and will hold their next meeting in October at Big Sur.

Vice Mayor Carbone suggested that Council Member Hubler research the possibility of advertising with the Monterey Peninsula Chamber of Commerce's holiday announcements in his effort of promoting the Arts Committee's upcoming events.

#### **E. Upcoming Meetings/Events**

There were no RSVP's from the Council. The Mayor reminded the Council that there will be no meeting held on October 6, 2015 due to Staff and Council attendance at the League of California Cities conference.

### **AGENDA ITEM 10, CLOSED SESSION**

7:10 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)**

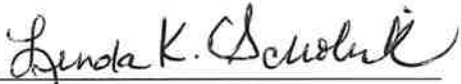
8:32 p.m.

- 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 Council met with outside legal counsel. Direction given to City Attorney regarding closed session time 10A(1-b).

**AGENDA ITEM 11, ADJOURNMENT**

Motion to adjourn the meeting was made by Council Member Blackwelder seconded by Council Member Hubler. There was consensus of the Council to adjourn the meeting at 8:34 p.m. to the next regularly scheduled Council meeting on October 20, 2015 at 5:30 P.M.



Linda K. Scholink  
Linda K. Scholink, City Clerk