

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

Regular Meeting – February 4, 2020
5:30 P.M.
CITY COUNCIL CHAMBERS

Mayor Carbone opened the meeting at 5:30 p.m.

The invocation was led by Reverend Robert Yarbrough. He also mentioned that Mr. & Mrs. Meadows unexpectedly lost their son Bill. He was 47 years old, and a memorial will be held in his memory in two weeks.

The Pledge of Allegiance was led by Police Chief Brian Ferrante.

Present: Mayor Mary Ann Carbone
Vice Mayor Blackwelder
Council Member Hawthorne
Council Member Sofer
Council Member Cruz

Staff: Aaron Blair, City Manager
Vibeke Norgaard, City Attorney
Brian Ferrante, Police Chief
Charles Pooler, City Planner
Linda K. Scholink, Administrative Services Director/ City Clerk

AGENDA ITEM 4, ANNOUNCEMENTS BY MAYOR, CITY ATTORNEY, AND CITY STAFF

The Mayor announced that her certificates of attendance at several governmental trainings were available to the public.

City Attorney Norgaard reported on her activities to include the sale of the Lift Station property, South of Tioga development agreement, Quimby Act, Community Facilities District, and the coastal development permit for the new wells.

The City Manager remarked that work will occur at the bike path and that Ashley Furniture will be moving into a portion of the vacant building next to Marshalls in a portion of the former Orchard Supply Hardware building. He also provided dates for the upcoming Budget/Personnel Committee meeting on February 13th and the Arts Committee Meeting on February 20th.

The Mayor commented on Council member conflicts for several items on the agenda.

AGENDA ITEM 5, PUBLIC COMMENT

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

There was no comment from the Public.

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

AGENDA ITEM 6, CONSENT CALENDAR

The Mayor pulled item 6C due to a possible conflict of interest. The item will be considered under agenda item 7.

- A. **There was no discussion of the January 21, 2020 Sand City Council Meeting Minutes.**
- B. **There was no discussion of the City/Successor Agency Monthly Financial Report, October 2019.**
- C. **Approval of City RESOLUTION Determining Sand City Municipal Code Chapter 17.68 Parkland Dedication and In-Lieu Fee Requirements and Credits for the South of Tioga Development Project. This item was pulled from the consent calendar and considered under Agenda Item 7.**

Motion to approve Consent Calendar items 6A & 6B was made by Council Member Hawthorne, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 7, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

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

The Mayor announced that a revised resolution was provided to Staff along with a handout from DBO development.

Item 6C- RESOLUTION Determining Sand City Municipal Code Chapter 17.68 Parkland Dedication and In-Lieu Fee Requirements and Credits for the South of Tioga Development Project

City Planner Pooler reported that at the January 21, 2020 City Council meeting, presentations were made in regard to the parkland dedication in-lieu fee requirements for the South of Tioga development project. The Council deliberated and directed Staff to include Parcel R2's sky-deck and interior clubhouse and gym, the outdoor recreational courtyard of the proposed hotel on Parcel H1, the public easement for the City' entry sign/posting board at the

California Avenue and Tioga Avenue intersection, the cost of constructing the residential courtyard areas, in addition to City staff's recommended credits, as credits to the parkland dedication and in-lieu fee, but to not deduct from the calculation the Development's affordable housing units and habitat preserve area. The City Attorney informed staff that a formal resolution would be prudent to reflect the City Council's consensus and direction. There are minor adjustments to the resolution provided as a handout. The developer would like the letter attached to the resolution as Exhibit A. Mr. Pooler read the changes of the last paragraph in the revised resolution.

There was discussion regarding adding the letter and the figures into the resolution. The City Attorney provided optional language to the revised resolution to incorporate the reference to the tables as an attachment to the letter. Mr. Pooler requested that Table 1 of the letter be included. City Attorney Norgaard suggested that it should be referenced, not incorporated into the resolution.

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

Matt Nohr representing DBO Development commented that the letter represents what was discussed at the January 21, 2020 council meeting, documents what was agreed upon, and that nothing has changed. He agrees with the City Attorney's recommendation to reference the letter as part of the resolution.

There was discussion regarding the square footage, calculation of fees, and submittal of in-lieu fee payment. Mr. Pooler suggested that the calculation of fees be simultaneously presented to the Council with the development agreement.

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

Motion to approve the City **Resolution** with revisions determining Sand City Municipal Code Chapter 17.68 Parkland Dedication and In-Lieu Fee Requirements and Credits for the South of Tioga Development Project was made by Council Member Blackwelder, seconded by Council Member Hawthorne. AYES: Council Members Blackwelder, Carbone, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: Council Member Cruz. Motion carried.

{Council Member Cruz returned to the dais}

AGENDA ITEM 8, PRESENTATION

- A. Presentation of Certificates by Mayor Mary Ann Carbone and Stephen Vagnini to Volunteers/Supporters of the 2019 West End Celebration {10 minutes}**

West End Celebration coordinator Stephen Vagnini commented that he

was formally introduced to the new City Manager and looks forward to working with him. He also acknowledged and congratulated Council Member Hawthorne as the Arts Council's Lifetime Achievement Award recipient.

Mr. Vagnini and Mayor Carbone presented certificates of appreciation to participants of the 2019 West End Celebration.

AGENDA ITEM 9, PUBLIC HEARING

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

A. Consideration of Abandoning Right-of Way Segments of Lincoln Avenue and Beach Way

City Planner Pooler reported that the Vesting Tentative Map for the South of Tioga Development was approved by the City Council on June 3, 2018 which identified a number of existing rights-of-way to be abandoned. Most of the streets are in poor condition. Abandonment of Lincoln Avenue and Beach Way is necessary in order for the Developer to purchase and incorporate the entire width of those streets into the project area, and is consistent with the City's General Plan. The City Engineer distributed required notifications to all utilities with operations in the area to be abandoned. As of last week, Staff received responses from the utility companies with their clearance to vacate those streets. There are two resolutions for Council's consideration that includes the City Council acting as the City's "Planning Agency" making determination that vacating certain sections of Lincoln Avenue and Beach Way is consistent with the Sand City General Plan, and authorizing the vacation of specific segments of Lincoln and Beach within the South of Tioga project area.

City Attorney Norgaard clarified that the first resolution involves the Council acting as the Planning Agency. Mr. Pooler added that the recitals within the resolutions are also contained in the staff report.

1) Approval of City RESOLUTION Acting as the Sand City Planning Agency hereby making a Determination that Vacating Certain Right-of-Way Sections of Lincoln Avenue and Beach Way is Consistent with the Sand City General Plan (2002 ED.)

6:10 P.M. Floor opened for Public Comment.

There was no comment from the Public.

6:10 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** acting as the Sand City Planning Agency hereby making a Determination that Vacating Certain Right-of-

Way Sections of Lincoln Avenue and Beach Way is Consistent with the Sand City General Plan (2002 ED.) was made by Council Member Sofer, seconded by Council Member Hawthorne. AYES: Council Members Blackwelder, Carbone, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: Council Member Cruz. Motion carried.

2) Approval of City RESOLUTION Ordering the Vacation of Certain Right-of-Way Sections of Lincoln Avenue and Beach Way

6:12 P.M. Floor opened for Public Comment.

There was no comment from the Public.

6:13 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** with corrections ordering the vacation of Certain Right-of-Way Sections of Lincoln Avenue and Beach Way was made by Council Member Hawthorne, seconded by Council Member Sofer. AYES: Council Members Blackwelder, Carbone, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: Council Member Cruz. Motion carried.

{Council Member Cruz returned to the dais}

AGENDA ITEM 10, OLD BUSINESS

A. Consideration of City RESOLUTION Extending the Expiration Date of the Vesting Tentative Map for the Monterey Bay Shores Eco-Resort Project

The City approved the Vesting Tentative Map (VTM) for the Monterey Bay Shores Eco-Resort development on December 15, 2015. Monterey Bay Shores has not submitted a final map for approval or for recording. The tentative map approval expires after 24 months when a final map is not recorded. Monterey Bay shores was involved with litigation dismissed on February 14, 2018. The VTM qualified for a time extension during the 14-month litigation period. Thereafter, the Council adopted a resolution extending the VTM to February 14, 2020. The VTM may now be extended for an additional period not to exceed five years total. Staff recommends approval to extend the expiration date of the VTM for Monterey Bay Shores for a five-year extension to February 14, 2025.

Mr. Pooler clarified for Council Member Hawthorne that the municipal code, and subdivision map act allows for the extension of five years so it does not need to be done repeatedly every two years.

6:17 P.M. Floor opened for Public Comment.

Monterey Bay Shores developer Ed Ghandour commented that the project

has been in the works for 26 years and hopes to have the project under construction. He concurs with Staff's decision and hopes that following the court date the property would be reverted back to SNG. He responded to Council member Sofer that the project is going to be built, that a lender was secured, and hopes to clear title for the project.

6:20 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** extending the Expiration Date of the Vesting Tentative Map for the Monterey Bay Shores Eco-Resort Project was made by Council Member Blackwelder, seconded by Council Member Hawthorne. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

B. Consideration of City RESOLUTION Adopting the Proposed Capital Improvement Plan Budget for Fiscal Year 2019-2020

City Manager Aaron Blair commented that at the last Council meeting this was placed on the agenda to reaffirm some decisions. There were a few questions brought up that Council members discussed. A Public Works/Public Safety Committee meeting was held this week to discuss some of the items as well. He mentioned certain projects that were and/or not critical to fund. The repurposing of the West End district, and the Carroll Property, are two of the items that the Council should consider as a priority. Staff also reviewed the budget, and have allocated funds towards these items in the budget without pulling from reserves. The finance department has done a great job incorporating the Capital Improvement Plan (CIP) for this year. This year's expenses highlighted in yellow were approved for funding.

There was discussion regarding the Carroll building, expenses incurred in the outlying years, and a detailed review of future expenses. City Clerk Scholink pointed out and confirmed the items that will be funded this year as well as the items that had already been funded. The Mayor expressed her concern for future CIP items in the year 2023 due to a decrease in revenues from the desal plant lease. She also mentioned several items on the CIP in light of the changes to include whether the Carroll building should be utilized, and electrical upgrades to City Hall. Council Member Hawthorne commented that certain items already have funds earmarked for their purchase and that we should move forward with them. The Council can look into discussing other items on the CIP for the future as the next fiscal year is only several months away.

The Mayor added that there may be possible changes to several of the items. City Clerk Scholink also reminded the Council that this will be the second year the Council has not funded the OPEB or PERS retirement liabilities and should look into partially funding that next year.

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

There was no comment from the Public.

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

Motion to approve the City **Resolution** adopting the Proposed Capital Improvement Plan Budget for Fiscal Year 2019-2020 was made by Council Member Hawthorne, seconded by Council Member Sofer. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 11, NEW BUSINESS

A. Discussion of City Contribution to the Sand City Chamber of Commerce

The City Council discussed the request by the Sand City Chamber for a contribution. City Manager commented that the request for funding has increased by \$500. He included a few examples of what the Chamber is providing on their website. Council Member Sofer expressed concerns that the businesses may not know how to utilize the directory and that it may not be serving the community in the capacity it should be, and whether the businesses are receiving adequate Chamber services. It was suggested that Council Member Sofer and City Manager Blair research what works for the Monterey Peninsula Chamber and to incorporate what may work for the businesses in Sand City. The Mayor requested that the research should include a list of how many businesses are actually involved with the Sand City Chamber.

There was Consensus of the City Council to table the item to a future Council meeting.

B. Consideration of Placing Census Banners on Playa Avenue

City Manager Blair reported that Staff member Shelby Gorman has been working with the 2020 Census, and is requesting that Census banners be placed in the City.

The Mayor reminded the Council of the placement of the CSUMB banners as well. The City would place CSUMB banners and shoulder the costs for placing the CSUMB banners as previously approved by the Council. If the Council should decide to move forward, then the 2020 Census banners and CSUMB banners can be placed at the same time.

6:55 P.M. Floor opened for Public Comment.

There was no comment from the Public.

6:55 P.M. Floor closed to Public Comment.

There was consensus of the Council directing Staff to coordinate the placement of the CSUMB and 2020 Census banners consecutively.

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

Council Member Cruz reported on her attendance at the TAMC meeting and the possibility of a rail connection through, the Bay Area, Castroville, and Pajaro.

Council Member Hawthorne expressed his appreciation to the Council and Staff for their support and attendance at the Arts Council Gala.

The Mayor reported on her attendance at the Special District conference and Mosquito Abatement meeting.

Council Member Sofer commented she attended the TAMC Bike meeting and they are still discussing issues regarding a bicycle path in Del Rey Oaks.

Council Member Blackwelder mentioned that at the Monterey One Water meeting he attended there was discussion on the proximity of having recycled drinking water.

D. Upcoming Meetings/Events

The City Clerk reminded the Council of the Monterey Peninsula Chamber's Annual Awards Dinner on March 21, 2020.

The Mayor announced the Mayor's meeting this Friday, February 7, 2020 at City Hall.

AGENDA ITEM 12, CLOSED SESSION

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

7:07 P.M.

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

Conference with real property negotiator re terms of payment, pursuant to Government Code Section 54956.7

Property: Transfers between the City and Developer involve those portions of land along California Avenue abutting the following: Lots 25 and 51 of Block 26; Lots 27 & 53 of Block 27; Lots 21 and 37 of Block 28; Lots 6,7, & 8 of Block 29; Lot 16

of Block 17; and Lots 17, 18, 19 & 20 of Block 16
Agency Negotiator: Aaron Blair City Manager
Other Party: DBO Development LLC

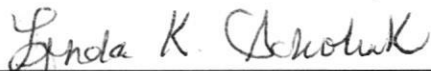
7:27 P.M.

- 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**

The City Council gave direction to the real property negotiator regarding the terms of the property transfers from the City to the Developer.

AGENDA ITEM 13, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Carbone, seconded by Council Member Hawthorne. There was consensus of the City Council to adjourn the meeting at 7:30 p.m. to the next regularly scheduled City Council meeting on Tuesday, February 18, 2020 at 5:30 p.m.



Linda K. Scholink, City Clerk