

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

Regular Meeting - April 21, 2020
5:30 P.M.

As allowed per the State of California Governor's Executive Order N-29-20, this meeting was conducted by teleconference.

Mayor Carbone opened the meeting at 5:33 P.M.

The following members of the Council and Staff attended the meeting via Zoom teleconference.

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
Charles Pooler, City Planner
Connie Horca, Acting City Clerk

Guest: Donna Williamson, Legal Counsel

AGENDA ITEM 2, ANNOUNCEMENTS BY MAYOR, CITY ATTORNEY, AND CITY STAFF

Mayor Carbone announced that a local business owner, Terry Reams is offering to clean city vehicles free of charge. He has also offered to provide services to other local agencies as well. The California Mayors Coalition has an action plan requesting that the Governor mandate testing for California's 58 counties so people can return to work. CalPERS has also requested that the Governor freeze the current discount rate, suspend COLA increases for retirees due to COVID-19, and looking into a possible sales tax reprieve for cities.

City Manager Blair commented that he has provided the Council a separate memo regarding the budget and projected revenue for fiscal year 2020-21. The Budget Personnel Committee will be meeting to discuss Amendment #2 to the FY 2019-2020, and review of the draft fiscal year 2020-2021 budget. The City is presently able to maintain its current staffing taking into account HdL's sales tax projection. HdL projects a 3-year recovery period due to COVID-19. The budget will be

presented to the Council with the percentage of cuts indicated from each department.

City Attorney Norgaard reported on how the Governor has announced the requirements for modifying the state's stay-at-home order, and that modifying it will be determined at the local (county) level. City Manager Blair added that he is meeting with other City Managers on what small steps each city can take.

AGENDA ITEM 3, PUBLIC COMMENT

5:40 P.M. Floor opened for Public Comment.

There were no comments from the Public in person, via writing or through telecommunications regarding items not appearing on the agenda.

5:40 P.M. Floor closed to Public Comment.

AGENDA ITEM 4, CONSENT CALENDAR

- A. There was no discussion of the March 17, 2020 Sand City Council Meeting Minutes (this item continued from the April 7, 2020 City Council meeting)
- B. There was no discussion of the April 7, 2020 Sand City Council Meeting Minutes.
- C. There was no discussion of the City **Resolution** of the City Council of the City of Sand City approving Amendment #1 to the City Surveying Service Agreement with Polaris Consulting to include an additional \$29,250 to the Original Agreement for Fiscal Year 2019-2020 to Support the Calabrese Park Improvement Project and to Continue to Provide City Surveying Services.
- D. There was no discussion of the acceptance of the Sand City Sales Tax Update Fourth Quarter Sales (October – December 2019 (information only).
- E. There was no discussion of the acceptance of HdL Companies California Forecast Sales Tax Trends and Economic Drivers, April 2020 (information only).

Motion to approve the Consent Calendar items 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 5, PUBLIC HEARING

{Council Member Cruz recused herself from the meeting due to a possible conflict by residing within 500' of the subject property.}

- A. **Consideration of City RESOLUTION of the City Council of the City of**

Sand City Extending the Expiration Date of the Vesting Tentative Map for the South of Tioga Project

City Planner Pooler reported that the Vesting Tentative Map (VTM) for the South of Tioga development was originally approved on June 5, 2018 and is due to expire. The Developer submitted a draft final map in 2019 that has been under City review with multiple corrections and revisions. The draft final map is expected to be finalized and recorded with the County of Monterey in the near future after final corrections are implemented to the satisfaction of the City Engineer and land Surveyor, and the development agreement between the Applicant and the City is finalized for Council consideration. The Developer has requested that the City extend the VTM in the event the Final Map is not recorded by the June 5th 2020 deadline.

The City Planner reported on the status of work performed by the Developer and that the incidental take permits have been secured. Staff recommends approval of the draft resolution to extend the expiration of the vesting tentative map for the South of Tioga project for an additional 12 months with the time extension commencing on June 5, 2020 and expiring June 5, 2021, or until a Final Map is approved by the City and recorded with the County of Monterey, whichever occurs first.

Matt Nohr, representing DBO Development addressed Council Member Hawthorne's question and reported that DBO is confident and close to finalizing the Development Agreement with two remaining issues that they are working on with their legal counsel, and will provide a draft to Sand City's attorney on those items. DBO is also actively working with their biologist to address conditions of approval regarding the habitat and communicating with P.G. & E. to disconnect utilities located within the property boundaries. The last tenant has vacated the premises, lot line adjustment documents are ready to submit, and DBO is currently working with City staff on the Slivers parcel.

6:02 P.M. Floor opened for Public Comment.

City Manager Blair received an email from Sand City resident Mike Morris on April 15, 2020. The City Manager read the email to the Council that addressed the blight on Tioga Avenue. Mr. Morris suggested that the Council request DBO to clean up the blight immediately, that the vesting tentative map not be renewed for more than six months, and that the buildings on Tioga Avenue be demolished and landscaping be installed if the project should be delayed.

City Planner Pooler addressed the comments made by Mr. Morris and indicated that several items need to be in place before the Developer can go into the project area, such as the development agreement, incidental take permit, and collection of sensitive habitat species. That is why the area has remained in the unsightly condition that it is currently in.

A public member who remained anonymous commented by telephone that he agrees with everything Mr. Morris has touched on. There should be a stipulation that requires the Developer to begin demolition in a certain amount of time. This project has been going on for some time and residents do not want to see the area to remain the way it is.

The Mayor added that she has been approached by some residents regarding the condition of the buildings and was in hope that the project would continue to move forward.

Mr. Nohr commented that habitat approval was out of DBO's control due to specific conditions and various mitigation measures. DBO has been actively pursuing approvals within the incidental take permits, and are proactively doing as much that can be done. The Developer desires to move this project forward.

Mr. Pooler pointed out that eleven demolition permits are ready to go and signed by DBO. The eleven sites were targeted due to hazardous materials contained therein. They are ready to issue as soon as fees are received by the City.

The City Attorney advised the Council that while granting an extension of a tentative map under Government Code §66452.6(e) is discretionary, the City's discretion is limited to the approval or denial of the extension and length of the extension, and the City may not add new conditions to the tentative map, as requested by Mr. Morris. However, the sub-divider could voluntarily agree to a new condition to the map extension that the City suggests. If the developer refuses that condition, the City may then deny the extension.

6:14 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** of the City Council of the City of Sand City Extending the Expiration Date of the Vesting Tentative Map for the South of Tioga Project was made by Council Member Blackwelder, 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 rejoined the meeting}

AGENDA ITEM 6, OLD BUSINESS

{Council Member Blackwelder recused himself from the meeting due to a possible conflict of interest as a landlord within City boundaries}

- A. Approval of City RESOLUTION Ratifying an Amended Version of the Order of the Director of Emergency Services of the City of Sand City imposing Substantive Limits on Evictions** (this item continued from the April 7, 2020 City Council meeting)

City Manager Blair commented that this resolution was considered at the April 7, 2020 Council meeting and Council directed staff to amend the resolution to remove commercial evictions. The changes in the resolution are shown as a strike-out in red. City Attorney Norgaard added that the City Council's consideration at the April 7 meeting took into account certain orders and rules assisting commercial tenants such as those issued by the Judicial Council of California.

Staff recommended that the City Council adopt the attached resolution amending and ratifying the Sand City Order.

Council Member Cruz received clarification that the amended resolution is in compliance with the California State directive.

6: 26 The Mayor opened the floor for public comment and seeing none, closed the floor for public comment.

Motion to approve the City **Resolution** Ratifying an Amended Version of the Order of the Director of Emergency Services of the City of Sand City imposing Substantive Limits on Evictions was made by Council Member Sofer, seconded by Council Member Hawthorne. AYES: Council Members Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: Council Member Blackwelder. Motion carried.

AGENDA ITEM 7, NEW BUSINESS

A. Discussion of New Sand City Public Art Policy

City Manager Blair reported that the purpose of the Public Art Policy is to have procedures in place that would govern public art, what type of agreement would be in place and executed before public art can be placed within the City, and acceptance by the Art Committee to the Council for final approval. It also addresses when artwork is removed and decommissioned, donations for artwork, working with artists, and agreements with owners of the building.

City Attorney Norgaard added that the main goal of the policy is to guide staff on what agreements need to be in place prior to the installation of public art. She acknowledged Shelby Gorman for her work in drafting the Public Art Policy.

There was Council discussion regarding City Staff working on property owners' buildings, the maintenance of the art on private property by City employees, City involvement in the installation of artwork, certification by individuals who use aerial/fork lifts, and other liability concerns.

Council Member Hawthorne suggested having additional temporary insurance for artist that will be performing the work.

City Manager Blair addressed the Mayor's concern regarding Public Policy item 10 that involved funding for public art. Conversations did occur with the Arts Council for Monterey prior to Covid-19.

The Council thanked Staff for all the work. City Manager Blair added that Shelby Gorman has been doing a good job on the mural project.

Direction was given to Staff to bring the Public Art Policy to a future Council meeting for Council ratification after minor revisions to the policy are completed.

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

The Mayor commented there have been quite a few ZOOM meetings, and that MST has been taking precautions with their bus drivers as well as using the busses as a hub for South County students who do not have access to Wi-Fi. There will also be a Monterey One Water meeting next Monday.

Council Member Sofer and Council Member Cruz reported on upcoming ZOOM meetings with the TAMC Bike and Rail Committees.

City Attorney Norgaard reminded the Council to read the memo she sent regarding campaign activities, and is available to answer any questions or concerns.

C. Upcoming Meetings/Events

City Manager Blair received confirmation that the City Barbeque will not be held in May.

The Mayor announced that Luke's Legacy, a mobile veterinary clinic would like to come to Sand City to assist those residents who need veterinary services that can not afford to do so.

AGENDA ITEM 8, CLOSED SESSION

6:58 P.M.

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

- 1) **Conference with labor negotiator pursuant to California Government Code Section 54957.6. Agency designated representatives: Donna Williamson/ Vibeke Norgaard, City Attorney
Employee Organization: Sand City Police Officers Association (POA)**

7:32 P.M.

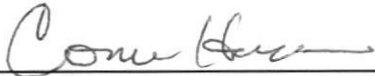
B. The City Council/Successor Agency Board re-adjourned to Open Session

to report any action taken at the conclusion of Closed Session in accordance with California Government Code section 54957.1.

City Attorney reported out that the negotiators received further direction from the Council and the discussion was confidential.

AGENDA ITEM 9, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Hawthorne, seconded by Council Member Sofer. There was consensus of the City Council to adjourn the meeting at 7:33 PM to the next regularly scheduled City Council meeting on Tuesday, May 5, 2020 at 5:30 p.m.



Connie Horca, Acting City Clerk