

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

Regular Meeting – August 5, 2014
7:00 P.M.
CITY COUNCIL CHAMBERS

Mayor Pendergrass opened the meeting at 7:02 p.m.

The invocation was led by Reverend Kelleher.

The Pledge of Allegiance was led by Police Chief Michael Klein.

Present: Council Member Blackwelder
Council Member Carbone
Council Member Hubler
Council Member Kruper
Mayor Pendergrass

Staff: Kelly Morgan, Interim City Administrator
Jim Heisinger, City Attorney
Leon Gomez, City Engineer
Michael Klein, Police Chief
Connie Horca, Deputy City Clerk

AGENDA ITEM 4, COMMUNICATIONS

A. Written communication distributed to the Council were photographs of beach camping (agenda item 8B), a staff report on the TAMC Monterey Branch Line Project, amended argument in favor of ballot measure, and a news article from the Monterey County Herald regarding the City of Monterey's Sales Tax Measure.

B. Oral

7:04 P.M. Floor opened for Public Comment.

There were no comments from the Public.

7:04 P.M. Floor closed to Public Comment.

AGENDA ITEM 5, CONSENT CALENDAR

The Consent Agenda consists of routine items for which City Council approval can be taken with a single motion and vote. A Council member may request that any item be placed on the Regular Agenda for separate consideration.

- A. There was no discussion of the Sand City Council Meeting Minutes, July 15, 2014.
- B. There was no discussion of the Sand City Council Special Meeting Minutes, July 28, 2014.
- C. There was no discussion of the City **Resolution** authorizing a One (1) Year Time Extension of the Building Inspection and Plan Check Services Agreement with the City of Monterey.
- D. There was no discussion of the Fort Ord Reuse Authority (FORA) Monthly Report, July, 2014.
- E. There was no discussion of the 2014 League of California Cities Annual Conference Resolutions Packet.
- F. There was no discussion of the City/Successor Agency Treasury Report, June 30, 2014.
- G. There was no discussion of the City Donations/Contributions to the Panetta Institute for Public Policy for \$500, and Jacob's Heart-KIDRAGEOUS Event "Matthews Golden Gallop" for \$500.
- H. Informational Only: Review of Monterey Bay Restaurant Equipment CDP

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.

Interim City Administrator Kelly Morgan commented that the Staff report in Agenda item 5H was included at the request of the Council.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled from the consent calendar.

AGENDA ITEM 7, PRESENTATIONS {postponed until representative arrives}

A. Progress Report and Discussion on the Independent (10 minutes)

This item was moved due to the absence of Mr. Orosco and will be considered upon his arrival.

AGENDA ITEM 8, PUBLIC HEARING

A. SECOND READING: Consideration of an Ordinance of the City of Sand City to Replace the Existing General Purpose Transactions and Use Tax at a Rate of One-Half of One Percent with a General Purpose Transactions and Use Tax at a Rate of One Percent to be Administered by the State Board of Equalization

There were no additional comments from Staff regarding the Second Reading of

the Ordinance.

7:08 P.M. Floor opened for Public Comment.

There were no comments from the Public.

7:08 P.M. Floor closed to Public Comment.

Motion to approve the Second Reading of an **Ordinance** of the City of Sand City to Replace the Existing General Purpose Transactions and Use Tax at a Rate of One-Half of One Percent with a General Purpose Transactions and Use Tax at a Rate of One Percent to be Administered by the State Board of Equalization 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.

City Attorney Jim Heisinger commented that the Ordinance becomes effective upon approval of Sand City voters at the General Municipal Elections.

B. FIRST READING: Consideration of an ORDINANCE of the City of Sand City Adopting Chapter 9.28 of the Sand City Municipal Code Entitled Camping Restrictions

Police Chief Michael Klein reported that the Council received photos and a staff report regarding individuals camping/living at the beach. Campers have dug out certain areas to solidify the embankment creating a more than temporary shelter. This has been an ongoing problem on the beach, and the attached ordinance would give the City an opportunity to remedy the issue. Staff has been informed of the financial need to secure a vehicle (kabota) that can be driven along the beach, as well as additional staffing concerns.

Mayor Pendergrass encouraged Staff to research grant funding from the Department of Homeland Security who may offer funding to assist in resolving the issue.

There was Council discussion regarding whether the new police vehicles can be used for the purpose of patrolling the beach, and possible resources that may be available to remedy the existing concerns of beach camping.

Mayor Pendergrass requested clarification regarding the language of the Ordinance on page 103 that can be interpreted as allowing an individual to sleep on the beach. City Attorney Jim Heisinger explained that "to camp" and camping means to establish or maintain a temporary place for sleeping. It does not include the use of towels, blankets, other materials for sunbathing or picnicking other than to maintain a place for sleeping. The allowed conduct is to have incidental use of towels, blankets and other materials for sunbathing, picnicking or nighttime use, but not maintaining a place for temporary sleeping. The City Attorney proposed that the last sentence of item B under Definitions be amended to read: *The terms "to camp" and "camping" are not intended to include incidental use of towels, blankets and other materials for sunbathing or picnicking on the Sand City Beaches and Dunes.*

7:20 P.M. Floor opened for Public Comment.

Motion to approve First Reading of an **Ordinance** by title, as amended of the City of Sand City Adopting Chapter 9.28 of the Sand City Municipal Code Entitled Camping Restrictions was made by Council Member Hubler, seconded by Council Member Kruper.

The City Attorney pointed out an additional amendment on page 102 under Chapter 9.28 that the title read: *Camping Restrictions* and to strike ~~*On Sand City Beaches and Dunes*~~.

Motion to accept the motion previously approved as further amended. AYES: Council Members Backwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

7:22 P.M. Mr. Chris Orosco arrived. The Council returned to Agenda Item 7A Presentations.

AGENDA ITEM 7, PRESENTATIONS

A. Progress Report and Discussion on the Independent (10 minutes)

Mr. Chris Orosco of DBO Development presented an update to the Council regarding the progress of construction activities at the Independent. The engineers and contractors have come upon several challenges regarding the structure of the building. The public plaza is currently under renovation. Completion time is expected within the next two weeks, and should be ready for the West End Celebration. Multiple bids and change orders in expediting cost have been spent to meet the deadline. Mr. Orosco conducted a walkthrough of the project, and indicated that the renovation is over budget; however, there has been no compromise in the quality of the work. The building will be painted within the next week, and serve as the outward presentation to the public that the project is nearing completion. The frame work of the awnings are being stripped of rust, being repainted, and weatherproofed. The plaza is being replaced with a wood/board plank simulating the beach look. There will be an appreciable change to the courtyard to include an excavated planter area. A great deal of funds have been expensed to maintain interior ceiling heights to the 2nd floor units due to the existing beams. Mr. Orosco explained in detail the challenge of the renovations on the second and first floors due to the existing structure. He expressed his excitement in regard to the completion and finished product of the renovations.

In response to Council Member Kruper's question regarding the selection of vendors for the first floor commercial units, Mr. Orosco responded that it has been more of a challenge due to the absence of visible storefront appeal, and lack of a major frontage. Patrick's efforts in spearheading the Indie Marketplace have proved to the commercial vendors that the public does frequent the building. He expressed the challenges of maintaining an open marketplace, such as vendor parking, ingress and egress, security, and public facility use. Several units will be allocated for more permanent vendors.

Council Member Hubler inquired about the tenants and their response to the

daily construction being conducted at the building. Mr. Orosco replied that the tenants have been cooperative and there have been no complaints expressed to himself, Don and/or Patrick. The first floor contains four residential units in the rear, and twenty-six units on the second floor. The units were completed approximately a month ago; however, an issue involving the size of the windows required that they be replaced before the units are made available to tenants.

Mr. Orosco confirmed that the public plaza should be in a position allowing the West End Celebration to use the site. The residential units are due to be occupied by September 1st. In regard to parking, DBO will come back to the Council at a future meeting for further discussion. It is essential to have enough parking for commercial uses, and a viable solution to provide sufficient parking needs to be considered.

Mayor Pendergrass commented that the Carroll Property is pending the Orosco's decision regarding the properties purchase for additional parking. Mr. Orosco explained that the Ream Property would best meet their needs due to its location and proximity to the Independent. A negotiation between the buyer and seller is still pending. The Mayor expressed his appreciation and thanks to Mr. Orosco for being available to make a presentation.

AGENDA ITEM 9, OLD BUSINESS

A. 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 has been operable since July 14th producing 14.9 acre feet, and continues to produce approximately .8AF to 1AF of water per day. Staff reported on the receipt of an illicit discharge at 354 Orange Avenue. Staff responded with a hand delivered letter citing the City's Municipal Stormwater Permit and Ordinance regarding illicit discharges. A response from the business owner was received the following day, and he agreed to stop the washing of food preparation and/or related equipment on the street. He plans to conduct a Staff employee meeting to review the Best Management Practices for his type of business.

Staff met with the Transportation Agency of Monterey County (TAMC) to obtain computer files for the expansion of the Monterey Branch Line extension within the TAMC right-of Way that runs through the City. Those files would allow Cregan & D'Angelo to work on developing revised exhibits for the City's proposed California extension, as well as the Independent Building parking access project.

In response to Council member Kruper's question regarding the cleaning and maintenance of the storm drains, City Engineer Gomez replied that hot spot inspections are conducted twice a year, before and after the rainy season; however, the new permit may require inspections more frequently. A meeting was conducted with Public Works staff, Chief Klein, and representative of Save the Whales. A California State University Monterey Bay (CSUMB) student will also conduct inspections as part of the program. Part of their study would identify

additional debris from the storm drains.

Chief Michael Klein added that the City has been on a regular maintenance program for several years. Staff physically inspects the storm drains, to check on accumulated flotsam within the drains.

Mayor Pendergrass reported that Staff is coordinating with Cal-Am to hold an open house of the desalination plant on September 20, 2014 to allow the residents and businesses to tour the plant.

Interim City Administrator Kelly Morgan reminded the Council that a workshop will be held on August 20, 2014 at 11:30 a.m.

AGENDA ITEM 10, NEW BUSINESS

A. Consideration and Approval of City RESOLUTION Approving Placement on the November 4, 2014 Ballot of a Measure to Increase the General Purpose Transactions and Use Tax to One Percent

City Attorney Jim Heisinger reported that the resolution involves the technical aspects of placing the measure on the November 4 General Municipal Elections. He referred to page 110 of the agenda packet that includes the ballot language to be presented to the voters to read: "Shall an ordinance be adopted to increase the rate of a transactions and use tax on the retail sale of goods in Sand City used for general City purposes, from one-half of one percent to one percent?"

A summary of the Ordinance shall be provided to the elections officer that will be included with the resolution. The City Clerk shall cause a synopsis of the measure to be published once in accordance with Elections Code Section 12111. The last day to submit arguments for or against the measure is 5:00 p.m. on August 15, 2014. An argument in favor of the measure was prepared by the City Administrator to be signed by the Council upon approval. An impartial Analysis will be provided by the City Attorney. The rest of the resolution represents the mechanics of implementation.

Motion to approve the City **Resolution** by title, approving placement on the November 4, 2014 Ballot of a Measure to Increase the General Purpose Transactions and Use Tax to One Percent was made by Council Member Carbone, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

B. Selection of Sand City Nominee for Representation on the Monterey County Commission on Disabilities

Mayor Pendergrass commented that Vice Mayor Carbone has expressed interest in serving as Sand City's representative to the Monterey County Commission on Disabilities. There was consensus of the Council to approve the nomination of Vice Mayor Mary Ann Carbone as representative to the Monterey County Commission on Disabilities.

C. Consideration of cancelling City Council meeting due to League of

California Cities Conference

PURPOSE: It is proposed that the City Council cancel the City Council meeting scheduled for September 2, 2014 to minimize conflict with the League of California Cities Annual Conference on September 3-5, 2014

Mayor Pendergrass commented that the 2014 League of Annual Cities Conference will be held the same week as the first City Council meeting. A few of the Council members will be traveling on Tuesday evening and a quorum will not be present. There was consensus of the Council to cancel the regularly scheduled Council meeting scheduled for Tuesday, September 2, 2014.

D. Upcoming Meetings/Events

There were no RSVP's from the City Council.

AGENDA ITEM 11, CLOSED SESSION

The City Attorney deemed that there was no need for Closed Session.

AGENDA ITEM 12, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Hubler to the next regularly scheduled Council meeting on Tuesday, August 19, 2014 at 7:00 p.m. There was consensus of the Council to adjourn the meeting at 8:07 p.m.



Connie Horca, Deputy City Clerk