

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

Regular Meeting – October 21, 2014
7:00 P.M.
CITY COUNCIL CHAMBERS
Sand City Hall, One Sylvan Park, Sand City, CA 93955

Mayor Pendergrass opened the meeting at 7:01 p.m.

The invocation was led by Reverend Hellam.

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: Todd Bodem, City Administrator
Kelly Morgan, City Consultant
Jim Heisinger, City Attorney
Leon Gomez, City Engineer
Michael Klein, Police Chief
Connie Horca, Deputy City Clerk
Charles Pooler, Associate Planner

AGENDA ITEM 4, COMMUNICATIONS

A. Written communications distributed was a list of no conflicts.

B. Oral

7:02 P.M. Floor opened for Public Comment.

There was no comment from the Public.

7:02 P.M. Floor closed to Public Comment.

Mayor Pendergrass requested that item 5G be pulled from the consent calendar for corrections and further discussion.

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 #413, Sculpture Works (manufacturing), 460 Elder Avenue
- (2) CUP #477, Jean-Luc Preti (manufacturing), 1720-B Contra Costa St.
- (3) CUP #501, Sylvan Design (art studio), 613-A Ortiz Avenue
- (4) CUP #555/CDP 12-07, Peninsula Hydronics (contractor) 2 John Street
- (5) CDP #95-09, Slakey Brothers (warehouse), 321 Orange Avenue
- (6) CUP 571/CDP 13-05, OAS Design (research workshop) 1805 Contra Costa Street

- B. There was no discussion of the Sand City Council Meeting Minutes, October 7, 2014.
- C. There was no discussion of the Police Department Monthly Report, September 2014.
- D. There was no discussion of the Public Works Monthly Report, September 2014.
- E. There was no discussion of the City **Resolution** approving Time Extensions to January 31, 2015 of Multiple Conditional Use Permits (CUPs 450, 503, 508, 527, 532, 533, 540, 541, 562) to continue as Interim Uses at their respective locations within the South of Tioga Area.
- F. There was no discussion of the City Donation/Contribution to the Salvation Army Thanksgiving Food Drive for \$300.
- G. Approval of City **Resolution** continuing the Appointments to Various Local and Regional Agencies, as Amended, effective October 21, 2014 was pulled from the consent calendar for corrections.
- H. There was no discussion of the City **Resolution** dedicating \$30,000 of the PMC Service Contract Budget of \$50,000 towards Performing the Update to the City's Housing Element.
- I. There was no discussion of the Monthly Fort Ord Reuse Authority Report, October 2014.

Motion to approve Consent Calendar items 5A-5F and 5H-5I, 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.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

Item 5G - Mayor Pendergrass referred to page 35 of the agenda packet and requested that his name be removed as representative to the MPWMD Ordinance 152 Oversight Panel, and a correction be made to the Design Review Committee. Vice Mayor Carbone also requested that a correction be made to strike out the extra last name on page 34 item A.

The Design Review Committee is presently in need of another member to fill the late Jerry Lomax's position. Mayor Pendergrass commented that Mr. Greg Hawthorne expressed his interest in serving on the Design Review Committee, and suggested that he be appointed to fill the vacant position. There was consensus of the Council to the appointment of Mr. Greg Hawthorne to the Design Review Committee.

Motion to approve consent calendar item 5G the City **Resolution** continuing the Appointments to Various Local and Regional Agencies, as Amended, effective October 21, 2014, was made by Council Member Hubler, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 7, PUBLIC HEARINGS

A. Consideration of City Resolutions regarding Site Plan Renovations of the Orchard Supply Hardware Property:

1) City Resolution approving Site Plan Permit 14-03 for Orchard Supply Hardware to Implement Site Modifications to the Commercial Building at 800 Playa Avenue (Attachment 1)

Associate Planner Charles Pooler presented an application submitted by Ware Malcomb (architect firm), representing Orchard Supply Hardware, for site plan review regarding renovations to the building at 800 Playa Avenue. The Design Review Committee held a public hearing on September 25, 2014 to consider the project's exterior architectural modifications, exterior wall designs, materials, and new exterior colors. A design permit was approved for the remodel of the entire building for both the exterior and interior. The office area at the rear will be expanded by approximately 703 square feet for new restroom facilities and to accommodate office reconfiguration. The existing garden center will be completely demolished and rebuilt from the ground up. The garden will infill a 984 square foot area of the rear storage yard. A 16-foot tall decorative metal tube fence will replace the existing chain-link fence along the front and side elevations. The existing concrete slab will be removed and replaced with a new concrete surface. The parking area in front of the garden center will be re-graded in order to improve access. Once the re-grading and paving are complete, the parking spaces will be re-stripped.

The number of on-site parking spaces will be the same upon completion of the project. Approximately 270 square feet of landscaping will be removed to install a pedestrian link from Playa Avenue to the Center's store front with additional walkway added to the existing landscape area at the rear of the building. The addition of office and new floor area for the nursery will require additional water. A total water allocation of 0.058 acre-feet is necessary to accommodate the project, and will be subject to the MPWMD's Staff review and approval. A draft resolution (attachment 2) is attached for the Council's consideration and approval. Final plan check review of the proposed civil improvements, Stormwater Control Plan, and any LID/stormwater management control feature, including calculations, will be subject to the City Engineer's review and approval prior to issuance of grading and/or building permits. The proposed modifications are consistent with the architecture and the footprint of the main building remaining unchanged with the exception of 703 square feet added at the rear for new restrooms. The store will remain open for business during the duration of the construction project. Staff recommends approval of the resolution to issue a Site Plan Permit and approval of water allocation for the project.

7:15 P.M. Floor opened for Public Comment.

Mr. Andrew Talbot from Ware Malcomb greeted the Council and reported that Orchard Supply's busy season begins in the spring. The goal is to complete project renovations by March 1, 2015 for a 'grand opening'. Business will continue while under construction. Council Member Kruper expressed his concerns regarding the pick-up area and how 3 to 4 cars back up the driveway unless they are pulled forward. Mr. Talbot further clarified the notes on the plan renovations that referred to a van accessible stall, and corrected it to indicate that it should have been a new ADA stall.

7: 17 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** approving Site Plan Permit 14-03 for Orchard Supply Hardware to Implement Site Modifications to the Commercial Building at 800 Playa Avenue was made by Council Member Hubler, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

2) Consideration of City Resolution granting the City Administrator authorization to Execute a Water Assignment Agreement and Assign up to 0.058 Acre-Feet of Water from the Sand City Water Entitlement to Fortuna Realty (Property Owner) accommodating a Commercial Renovation Project for Orchard Supply Hardware at 800 Playa Avenue in Sand City (Attachment 2)

Motion to approve the City **Resolution** granting the City Administrator

authorization to Execute a Water Assignment Agreement and Assign up to 0.058 Acre-Feet of Water from the Sand City Water Entitlement to Fortuna Realty (Property Owner) accommodating a Commercial Renovation Project for Orchard Supply Hardware at 800 Playa Avenue in Sand City 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. 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 welcomed Mr. Bodem to his first official meeting and reported that the desalination plant experienced a few inoperable days due to the high feed water conductivity. A water production report for the month of October should be available by the next Council meeting. City Staff, Mr. Bodem, and Mr. Morgan met with Cal-Am to review the proposal for the updated modelling effort for the proposed wells in regard to the Coastal Development Permit (CDP). Many issues in the Coastal Commission letter were addressed. There were a few items articulated to Cal-Am that Staff would like to include in the proposal. Those comments will be provided to Mr. Sabolice this week for consideration by Hydrometrics, Inc. in a revised proposal. The City's Stormwater Management Program Annual Report was successfully submitted this week to the State Water Resources Control Board prior to the deadline of October 15th. Mr. Gomez thanked Mr. Morgan and Mr. Bodem for their cooperation and patience. The City's GIS mapping of the storm drain system was successfully completed, and confirmed by Police Chief Klein. Staff will be expecting the completed map and data within the next few weeks.

City Administrator Todd Bodem added that estimated costs for the Hydrometrics, Inc. modelling is approximately \$53K. There was discussion regarding the possibility of cost sharing and/or a reduction in the cost to prepare the modelling. Mayor Pendergrass commented that a draft will need to be submitted to the Coastal Commission and that the proposal should address the issues of concern before funds are expensed for the modelling effort.

Mr. Bodem reported that he attended several meetings to include the MCBC Monthly luncheon, the MRWMD meeting with Mr. Pooler, several developers, and Therese Courtney of Hayashi & Wayland regarding the Fiscal Year 13-14 Audit. A meeting is scheduled with HDL regarding the property tax data. He commented that he would like to continue his effort in strengthening the committee process.

Mr. Morgan reported that he and Mr. Bodem also met with Ed Ghandour and Don Orosco regarding the status of Mr. Ghandour's project and Mr. Orosco's future proposed re-development of the South of Tioga area.

AGENDA ITEM 9, NEW BUSINESS

A. Follow up on Sand City Ballot Measure J

Mayor Pendergrass reported that he received a call from Peter Newman of the Republican Party who expressed their political comments regarding the proposed tax measures.

City Attorney Jim Heisinger reported that he received a call from David Armanasco who was contacted by a 'big oil' representative regarding Sand City's Measure J that was inadvertently assigned the same letter as San Benito Counties Measure J, which are 2 different measures.

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

Vice Mayor Carbone reported that an immediate family member was fascinated with the news article regarding Sand City's new City Administrator, and how impressed he was that Mr. Bodem had personally introduced himself to residents of the community. Mr. Bodem commented that he received positive feedback from most of the residents who enjoyed living in Sand City.

Council Member Hubler reported that an Arts Committee meeting is scheduled next Tuesday. Discussion would involve holding an event hosted by Community Palette in Sand City. The organization is researching different venues for the event scheduled to be held in February or March 2015. Mayor Pendergrass commented that he received positive feedback on the fashion show that was hosted by Community Palette, and would like to see it as part of next year's West End Celebration.

Vice Mayor Carbone reported that a Beach and Community Garden clean-up will be scheduled for this month. The Council further discussed the future of the community garden, how to involve more residents, assignment of boxes, and the implementation of a process and rules of conduct for those who are interested in becoming involved. Council Member Kruper summarized the Community Gardens history and made suggestions to restructure the use of the garden. City Consultant Kelly Morgan reminded the Council that the Oversight Board instructed the Successor Agency to offer the Community Garden for sale. The City has the option to repurchase the property or to sell it as recommended by the

Oversight Board in the Long Range Property Management Plan (LRPMP). He suggested the rezoning of the Community Garden property to assist in its future disposition.

Council Member Blackwelder reported that the Personnel Committee is meeting to discuss moving forward in the recruitment for a Chief of Police.

Council Member Kruper distributed notes of his committee updates. He pointed out the October 29th MCCVB Quarterly Forum and Board of Directors Strategic Review. This will be held at Quail Lodge and encouraged the Council to attend.

C. Upcoming Meetings/Events

There were no RSVP's from the City Council.

AGENDA ITEM 10, CLOSED SESSION

7:45 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 Attorney reported on Closed Session items A1(a-c). No action was taken.

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Kruper to the next regularly scheduled Council meeting on Tuesday, November 4, 2014 at 7:00 p.m. There was consensus of the Council to adjourn the meeting at 8:01 P.M.



Connie Horca, Deputy City Clerk