

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

Regular Meeting – August 6, 2019
5:30 P.M.
CITY COUNCIL CHAMBERS

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

The invocation was led by Reverend Jason Yarborough.

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

Present: Mayor Mary Ann Carbone
Vice Mayor Blackwelder
Council Member Hawthorne {arrived at 6:21 p.m.}
Council Member Sofer
Council Member Cruz

The Mayor announced that Council Member Hawthorne will be arriving late.

Staff: Linda Scholink, Acting City Manager
Vibeke Norgaard, City Attorney
Brian Ferrante, Police Chief
Charles Pooler, City Planner
Connie Horca, Deputy City Clerk

AGENDA ITEM 4, ANNOUNCEMENTS BY MAYOR AND ACTING CITY MANAGER

The Mayor announced that her Monthly Mayors report is located at the back table and depicts the meetings that she has attended. She also attended the American Public Transportation meeting with a report also provided, that may prove helpful to Council regarding what is happening in the field of transportation. There are also conflicts under Agenda Item 9A and 10D.

Acting City Manager Scholink announced that handouts regarding Agenda item 8A have been distributed to the Council.

The Mayor added that she has home baked cookies in the back for everyone who would like to help themselves.

AGENDA ITEM 5, COMMUNICATIONS

5:33 P.M. Floor opened for Public Comment.

There were no comments from the Public.

5:33 P.M. Floor closed to Public Comment.

AGENDA ITEM 6, CONSENT CALENDAR

- A. There was no discussion of the June 19, 2019 Study Session Minutes.
- B. There was no discussion of the July 15, 2019 Sand City Special Meeting Minutes.
- C. There was no discussion of the City **Resolution** recognizing Michael Nesmith for his Many Talents as Former Member of the "Monkees", an Accomplished Singer, Songwriter, Entrepreneur, and Proprietor of Video Ranch in Sand City.
- D. There was no discussion of the City **Resolution** approving an Allocation of \$4,200 to Community Human Services for Fiscal Year 2019-2020.
- E. There was no discussion of the City **Resolution** authorizing Bartel Associates to Commence 2018/2019 Review of GASB 75 Accounting Information at a cost not to exceed \$2,500 in Fiscal Year 2019/2020.
- F. There was no discussion of the City Donations/Contributions to Monterey Firefighters Association re: Chris Fiske for \$200, United Way Monterey County 2-1-1 Program for \$500, Monterey Complete Count Committee, Peninsula Action Team for \$1,000, and the Monterey County Convention and Visitors Bureau for \$2,000.
- G. There was no discussion of the City **Resolution** approving a One (1) Year Agreement with Monterey County Weekly for Continued Participation of Co-Op Advertisements during the 2019/2020 Fiscal Year.

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

AGENDA ITEM 7, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled from the Consent Calendar.

AGENDA ITEM 8, PRESENTATION

- A. **Presentation by Mr. David Martin, Interim Superintendent/President at Monterey Peninsula College on MPC Board of Trustee Area-1 (Seaside/Sand City) Seat Vacancy {10 minutes}**

Monterey Peninsula College Superintendent/President David Martin commented that on behalf of Monterey Peninsula College (MPC), the college is currently searching for an Area 1 Trustee. The current Area 1 Elected Trustee announced last November that she has accepted a job position in Arizona and is no longer able to serve on the Board. Last week the Board of Trustees selected a provisional appointment process, and has therefore hosted applications for interested candidates to sit on that seat until the next election cycle in November 2020. The application materials consist of a cover letter as well as documents including the past job history, education, and past public service. Those documents are due to the college by Friday, August 23rd. MPC will interview all candidates that are deemed eligible based on their residence and meeting the criteria. On the special board meeting to be held on Thursday, August 29th, the Board will deliberate in public session and nominate a provisional appointee. MPC has a web site dedicated to the process to provide the public information on the process as well. Ms. Kristin Darcis who serves as the Director of Public Information is also present this evening and ready to answer any questions that the public may have. The college is excited to invite interested applicants from Sand City and Seaside to apply for the Area 1 Trustee seat. Mr. Martin indicated that he can answer any questions that Council may have.

In response to Mayor Carbone's question regarding when the meeting dates are held should anyone be interested, Mr. Martin answered that regular board meetings are held the fourth Wednesday of every month. Depending on the time of year a special board meeting on the first or second Wednesday of the month may be held, if/and when budgetary issues may arise. Board members are also invited on campus for any special public events.

The Mayor thanked Mr. Martin for his time and presentation.

5:37 P.M. Floor opened for Public Comment.

There were no comments from the Public.

5:37 P.M. Floor closed to Public Comment.

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 City RESOLUTION to Approve Conditional Use Permit 634 for an Office and Storage Use at 748 California Avenue

City Planner Pooler presented an application submitted by Ronald Barber to establish an office with accessory storage for his hazardous substance and remediation company at 748 California Avenue. The aerial map depicts the property located along California Avenue across from the storage facility. The property is trapezoid in shape and the house was probably constructed before

the City was incorporated. The site facilitates a single family home and has been converted into two dwelling units. There will be no hazardous materials stored or handled on-site. Items stored on-site will include poly sheeting and bags, duct tape, filters for HEPA equipment, personal protective equipment, fans, de-humidifiers and vacuums. Typically the applicant and the clerk will be at the subject property while laborers are at contract locations. There is 1 work truck, 1 debris trailer, and 1 company vehicle. Intended hours of operation are from 7:00 a.m. to 5:00 p.m., Monday through Friday. The property's side yard is sufficient for 4 parking spaces. The office requires 2 off street parking spaces and 2 spaces for the remaining residential units. The work truck, and trailer will be stored on-site when not in use. Since the adjoining residential unit will be occupied by the applicant, all of the on-site parking should be counted towards the applicant's use. There will be shipments four times a month arriving via company pickup trucks from the Applicant's Stockton office. Shipments will include the restocking of materials/supplies for their job site operations. None of these shipments will include hazardous materials. Items stored on-site will be maintained within the building, existing storage shed, and/or the open yard area at the rear which is fenced/screened. The front and parking area should be maintained and clear of storage. The Building and Fire Departments commented that the Applicant's use requires an occupancy separation, which could trigger fire sprinkler requirements. Staff recommends the permit requires the Applicant to contact the building and fire departments to coordinate the intended use of the site in order to either 1) bring the building into necessary compliance or 2) to modify the intended use to conform to the existing building conditions. Staff recommends approval with the conditions and restrictions proposed by Staff.

In response to Council Member Sofer's inquiry whether the Applicant will be bringing the building and fire requirements to meet codification standards, the applicant Ronald Barber responded that he will be contacting the building and fire departments to address all the issues. He confirmed that equipment will be brought back, but not the generators or any hazardous wastes, and is also in agreement with all of Mr. Pooler's findings.

Mr. Barber responded to the Mayor's question and concerns regarding the HEPA filters and machines and confirmed that the machines are vacuumed out and new HEPA filters are put in. A piece of poly sheeting is placed over the machine before it is brought back.

5:46 P.M. Floor opened for Public Comment.

Public Member Adam Marks commented that the change would be to move the whole structural foundation as to the angle of the street so that when there is the incoming and going of products it is more into the building and not to the side, because any product brought through the side would be hazardous to the adjoining property.

There was discussion regarding Mr. Marks comment and clarified by Mr. Pooler that it was a recommendation made regarding the property.

5:49 P.M. Floor closed to Public Comment.

The Mayor received clarification from Associate Planner Pooler on where the boundaries of the South of Tioga project would be located in reference to the proposed use. He confirmed that the Applicant does not plan to store hazardous materials on-site.

Motion to approve the City **Resolution** by title, to approve Conditional Use Permit 634 for an Office and Storage Use at 748 California Avenue was made by Council Member Sofer, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Sofer. NOES: None. ABSENT: Council Member Hawthorne. ABSTAIN: Council Member Cruz. Motion carried.

{Council Member Cruz returned to the dais}

AGENDA ITEM 10, NEW BUSINESS

A. Consideration of Memorial Bench Dedication

Acting City Manager Scholink reported that an application was submitted for the dedication of a memorial bench for Clarence E Wells Junior. The City has a recognition and dedication procedure that was adopted in 2002 which Staff has followed. The procedure states that the next step would be to bring the application to the City Council for review. Should the Council approve the application, then Staff would come back with a resolution for formal adoption by the City Council. The staff report further provides that the council direct Staff to review and go through the 2002 document for updates and revisions.

Council Member Blackwelder commented that as he reviewed the procedure, he recommends that the Council look into a specific design for the memorial area, make it a possible destination area, find out how many benches should be allowed, and to clearly define the parameters of the document, so that any memorials would add to the esthetic appeal of the City.

Mayor Carbone added that there are other areas in the City that benches could be placed and that this program should be looked at as a whole city-wide program. Associate Planner Pooler added that this program allows for a number of things that can be dedicated and not specifically for benches only.

Council Member Blackwelder added that the area can be used as a destination spot and that it should have a specific design as it is a nice place overlooking the Monterey Bay.

5:57 P.M. Floor opened for Public Comment.

There was no comment from the Public.

5:57 P.M. Floor closed to Public Comment

Council Member Blackwelder further suggested that the policy be reviewed and that a design be brought before the Design Review Committee prior to bringing it before the Council. Once the policy is approved the Council can consider this application in context of the new policy.

There was no motion to approve the application and seeing none, the application was denied. The Mayor directed Staff to review the policy and guidelines, to follow up with a letter to the applicant, and that he can reapply once a new policy has been adopted by the City Council.

City Attorney Norgaard confirmed that the current 2002 policy and procedures for the submittal of applications for memorial dedication had been followed and brought before the Council.

B. Consideration of City RESOLUTION Authorizing a City Engineering Service Agreement with Creegan & D'Angelo

Acting City Manager Linda Scholink commented that the attached contract is a resolution authorizing a city engineering service agreement with Creegan & D'Angelo on a month to month basis for engineering services related to Phase 1 of the South of Tioga project. This was something that Leon Gomez had been working on and the City is trying to stay consistent by retaining his services with Creegan.

6:02 PM. Floor opened for Public Comment.

Matt Nohr of the Orosco Group commented that it is a very unfortunate set of circumstances and certainly understands that Staff and key employees move on; however, his wish is to find a way to have Leon continue as a consultant in lieu of the other gentleman from Creegan & D'Angelo. Mr. Nohr mentioned that he only had one interaction with him throughout the entire process and felt like there was a significant disconnect regarding the projects history. The project is at a critical juncture and so close to getting a lot of its permits and plan check resubmittals back. Monthly progress meetings are held and this other gentleman was not there. Leon has a lot of history with the planning entitlements and so forth and works well with the City Planner. The Orosco group is not familiar with this other gentleman and retaining Mr. Gomez who is knowledgeable with the project would allow it to progress much smoother. Mr. Nohr expressed to the Council that to find a way to keep Mr. Gomez as a consultant for the city, would allow the group to keep the momentum going.

The Mayor mentioned that another contract is on the agenda that should address Mr. Nohr's concern for the retention of Mr. Gomez's services.

6:04 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** authorizing a City Engineering Service Agreement with Creegan & D'Angelo was made by Council Member

Blackwelder, seconded by Council Member Sofer. AYES: Council Members Blackwelder, Carbone, Cruz, Sofer. NOES: None. ABSENT: Council Member Hawthorne. ABSTAIN: None. Motion carried.

C. Consideration of City RESOLUTION Authorizing the Acting City Manager to Enter into an Agreement with Harris and Associates to Provide City Engineering Services with the City of Sand City

Acting City Manager Scholink reported that the attached resolution is an agreement with Harris & Associates for City Engineering services and maintaining Leon Gomez as the City's contract engineer due to the history and knowledge that he has working for Sand City. The City would be moving its engineering services to Harris. This is an annual contract and the company in general has much more to offer than Creegan & D' Angelo.

Council Member Blackwelder spoke to the price and costs for Harris' services which was distributed to the Council.

City Attorney Norgaard commented that the fee schedule depicts the hourly rates and that the contract is still being negotiated with Harris at a cost not to exceed \$200,000. Harris' rate is higher for city engineering services. Following a conversation with Mr. Gomez, he explained that he will be able to use the Staff at Harris at a much lower rate thereby keeping the costs for services down.

6:09 P.M. Floor opened for Public Comment.

Mr. Gomez of Harris & Associates commented that to address the questions and concerns in conversations held over the last few weeks regarding the proposal and the scope of services; there is a greater breadth and depth of local Staff and resources that are available to the City with Harris. He would serve as the point of contact for the City and services and would be kept within the contractual agreement and the not to exceed amount. The City would also have the opportunity to review invoices on a monthly basis, and a mid-year review would allow the contract to be re-examined. Harris has a lot of interns who are working on the stormwater program management for the cities of Morgan Hill and Soledad, and they are already well versed in what is required for the program. The rate schedule indicates a wider hourly range between product managers, drafters, engineers, and technicians. He will be available to Sand City for the day to day issues, attend Council meetings, and provide updates to City Staff as other tasks will be delegated to persons at Harris.

Mr. Gomez addressed the Mayor's concern regarding Sand City's Stormwater management reporting requirements due in October. He further added that it may very well be that the expenditures are less because of the wide range of other resources available to him at Harris.

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

Motion to approve the City **Resolution** authorizing the Acting City Manager to Enter into an Agreement with Harris and Associates to Provide City Engineering Services with the City of Sand City was made by Council Member Sofer, seconded by Council Member Cruz. AYES: Council Members Blackwelder, Carbone, Cruz, Sofer. NOES: None. ABSENT: Council Member Hawthorne. ABSTAIN: None. Motion carried.

(Council Member Sofer stepped down from the dais due to a possible conflict of interest with the agenda item)

D. Discussion and Consideration of Choosing a Name for “A” Street within the South of Tioga Project

City Planner Pooler reported that the South of Tioga project is moving forward, and the map shows that several streets will be going away with new streets to be constructed. For the purposes of planning and plan reviews this has been referred to as “A” street. Staff was tasked with pursuing a name for this new street so that when Staff is ready to record a final map for the project it can be accomplished with one single recording vs. two recordings. One idea focused on the use of indigenous tree names which did not go very well. One of the past city managers came up with the idea to push for something with a more historical context. Staff came up with the following suggestions with the first one as “Morgan’s Way” based on Kelly Morgen who was the former City Planner, Community Development Director, and City Administrator. Mr. Morgan faithfully served for 19 years, and even after retiring, came back to work again while the City was in between city managers. Other suggestions were “Klein Court” based upon former Chief of Police Michael Klein who served the City for 22 years, and “Heisinger Way” based on Jim Heisinger who served as the City Attorney for over 30 years. The last suggestion was “Lewis Lane” based on Rhonda Lewis, a former City Council member who served for 10 years until her retirement from the Council in 1999. The street name should avoid “Avenue” as this will not be a collector street and that any name chosen should be short so it is easy for people to remember. Planning Staff is partial to Morgan’s Way as he has made substantial contributions, efforts, and dedication to Sand City, and deserves recognition. If the Council provides their preference and direction, Staff will have the developer identify the new street name on the final map. The resolution to approve the Final Map would serve as formal action to adopt the street name.

There was Council discussion regarding the names presented, and Mr. Pooler provided the definition of a collector street named in reference to “Avenue”.

6:20 P.M. Floor opened for Public Comment.

There was no comment from the Public.

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

The Mayor commented that there was a recommendation from Mr. Pooler for

Morgan's Way.

6:21 P.M. Council Member Hawthorne arrived for the meeting.

Motion to approve Morgan's Way as the new street name was made by Council Member Blackwelder, seconded by Council Member Cruz. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne. NOES: None. ABSENT: None. ABSTAIN: Council Member Sofer. Motion carried.

{Council Member Sofer returned to the dais}

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

Council Member Blackwelder reported that at the Monterey Regional Waste Management (MRWM) meeting he attended, MRWM came to an agreement with their employee negotiations and decided to do it as one large group.

Council Member Cruz reported on her attendance at the TAMC meeting that included an independent business proposal for the use of handrail carts beginning in Marina to the where the bike trail in Sand City loops. They are requesting a 30 day trial for the business venture. It will have 2 tour guides and will be opened to the public. The TAMC Council decided to differ until MST can conduct a review. If the Council would like additional information, she can provide it at their request.

Mayor Carbone reported on her attendance at a conference where one City paid someone to operate an electric cart/beach buggy that transports people around the Coastal cities. There were also other ideas regarding alternative transportation being presented.

Council Member Sofer reported that at the Monterey County Commission on Disabilities meeting, they reported that for the 2020 Election they will have new computers that will allow people with disabilities to vote.

Council Member Hawthorne reported that he has been trying to contact the building owner for the creation of a mural at the building adjacent to the Independent.

F. Upcoming Meetings/Events

The Deputy City Clerk received confirmations and RSVP's to the Monterey County Convention and Visitors Bureaus Annual Luncheon and Meeting

AGENDA ITEM 11, CLOSED SESSION

6:31 p.m.

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

- 1) Conference with Labor negotiator pursuant to Government Code Section 54957.6.
Agency designated representative: Donna Williamson
Employee Organization: Sand City Police Officer's Association (POA) and Miscellaneous Employees
- 2) Conference with legal counsel - existing litigation pursuant to Cal. Gov. code section 54956.9(d)(1); Case: *Gonzales v. Monterey Peninsula Unified, et. al.*, Case no. 19CV000828
- 3) Discussion pursuant to Government Code Section 54957(b)(1) to Consider Candidates for City Manager Position

9:10 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

City Attorney reported on A(1) and gave direction to agency labor negotiator.

A(2) No action taken, update only.

A(3) City Council discussed and considered candidates for City Manager and decided to move forward with the background check of one candidate.

AGENDA ITEM 12, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Sofer to the next regularly scheduled Council meeting on Tuesday, August 20, 2019 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 9:14 p.m.



Connie Horca, Deputy City Clerk