

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

Regular Meeting – September 3, 2019
5:30 P.M.
CITY COUNCIL CHAMBERS

Mayor Carbone opened the meeting at 5:32 p.m.

The invocation was led by Youth Pastor Jen Gunter.

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: 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, CITY ATTORNEY, AND CITY STAFF

The Mayor reported that her Mayor's monthly report of activities will be forthcoming, and agenda items 9A and 10A will be recommended for continuation. She commended Public Works Foreman Mark Parker, the public works crew, and Chief Ferrante and the police department personnel for the great job they did during the West End Celebration.

Acting City Manager Scholink announced that a handout for item 10A was provided. She also reported on Public works projects to include the desalination water production for August was 27.7 acre feet which exceeded its design capacity. She further updated the Council on the status of the South of Tioga Project that is awaiting approval of their demolition permits and also inquired whether the Council Members would be available to have a council meeting on September 24, 2019 instead of September 17, 2019 due to unavailability of City staff who will be out for training and vacation, and to give Staff more time to prepare the agenda packet.

The Council discussed their availability and City Planner Pooler also recommended that the application for the 'pad climbing' gym be moved to the October 1, 2019 meeting to give the applicant more time to fulfill the Council's request in securing additional parking.

There was consensus of the Council to cancel the September 17th Council meeting and to hold a Special Council meeting on Tuesday, September 24, 2019.

City Attorney Norgaard reported on her activities to include compiling contracts for 4Leaf, the new City Manager, City Attorney services, and other work performed for the City relating to public records requests, advising the City Planner, creating a purchase agreement for the Lift Station Purchase, South of Tioga Developers agreement, and POA negotiations with outside legal counsel.

AGENDA ITEM 5, COMMUNICATIONS

5:47 P.M. Floor opened for Public Comment.

There was no comment from the Public.

5:47 P.M. Floor closed to Public Comment.

AGENDA ITEM 6, CONSENT CALENDAR

- A. There was no discussion of the July 16, 2019 Sand City Council Meeting Minutes.
- B. There was no discussion of the July 25, 2019 Special City Council Meeting Minutes.
- C. There was no discussion of the August 4, 2019 Special City Council Meeting Minutes.

Motion to approve the Consent Calendar items 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.

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 Kymberly Lacrosse on Jacob's Heart Children's Support Services {5 minutes}**

Kymerly Lacrosse representing Jacob's Heart Children's support services personally thanked the Council for what they do and their public service to the Community. She reported that Jacobs Heart provides services to families with children that have been diagnosed with cancer. These services include assistance with paying their rent and/or mortgage, emotional support, and counseling; as well as providing families with rides to the hospital. The program is also based on experiences garnered through the years from the families they serve. Jacob's Heart is a non-profit organization that receives monetary support from the community, is based in Watsonville and serves the counties of Monterey, Santa Clara, Santa Cruz, and San Benito. Ms. Lacrosse invited the Council to their upcoming Kidrageous event that will be held on September 29, 2019 in Watsonville.

Council Member Hawthorne commented that Jacob's Heart is one of the best non-profit organizations in Monterey and encouraged Ms. Lacrosse to continue the good work they have been doing.

5:55 P.M. The Mayor opened the floor for Public Comment, and seeing none, closed the floor for Public Comment.

Mayor Carbone read and presented a resolution to Ms. LaCrosse recognizing Jacob's Heart and the month of September as Childhood Cancer Awareness Month.

AGENDA ITEM 9, PUBLIC HEARING

Council Members Blackwelder and Sofer remained on the dais but abstained from voting due to a possible conflict by residing within 500' of the subject property}

A. Consideration of City RESOLUTION Approving Coastal Development Permit 19-02 Authorizing an Indoor Climbing and Fitness Facility with Accessory Office and Retail for "The Pad Climbing" Operation at 325 Elder Avenue {This item was continued from the August 20, 2019 Council meeting}

There was no discussion regarding the Coastal Development Permit for an Indoor Climbing and Fitness Facility.

Motion to continue the City Resolution approving Coastal Development Permit 19-02 Authorizing an Indoor Climbing and Fitness Facility with Accessory Office and Retail for "The Pad Climbing" Operation at 325 Elder Avenue was made by Council Member Hawthorne, seconded by Council Member Cruz. AYES: Council Members Carbone, Cruz, Hawthorne. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder, Sofer. Motion carried.

Due to the absence of a quorum for the next Council meeting, this item will

be considered at the October 1, 2019 regularly scheduled Council meeting.

B. Consideration of City RESOLUTION Approving Conditional Use Permit 635 for Ladislav Barak Authorizing a Woodworking Workshop, Office, and Storage Use within a 1,375 Square Foot Commercial Unit at 337-B Olympia Avenue

City Planner Pooler presented an application submitted by Ladislav Barak to establish a workshop, office, and storage at 337-B Olympia Avenue. The applicant will be occupying one of four units in a 5,500 square foot commercial building facing Olympia Avenue. Hours of operation will be Monday through Friday from 8:00 a.m. to 5:00 p.m. with two employees on-site. There are no company vehicles at this time, and no shipments are anticipated. Equipment used and stored on-site will include portable saws, a table saw, and miscellaneous wood working tools. The Applicant's unit provides two parking spaces in front with one space split between two units and does have adequate on-site parking to accommodate the use. Office and storage uses have little negative impacts provided that all storage is maintained within the building. Carpentry operations have been relatively benign in Sand City except when lacquer or paint is used. The permit should prohibit the application of such finishes unless there is a spray booth. Staff recommends approval of the attached conditional use permit authorizing the Applicant's use with the suggested permit conditions at the Subject Property.

The Applicant Ladislav Barak commented that he is a general contractor and this would be part of his operation to have a woodworking shop. In response to the Mayor's question if he was in agreement with the conditions of the use permit, Mr. Barak replied that he was in agreement with permit conditions.

Council Member Cruz received clarification whether the applicant intends to use lacquer and needing a spray booth, Mr. Barak confirmed that he does not intend to conduct activities that would require a spray booth.

6:02 P.M. The Mayor opened the floor for Public Comment, and seeing none, closed the floor for Public Comment.

Motion to approve the City **Resolution** approving Conditional Use Permit 635 for Ladislav Barak authorizing a Woodworking Workshop, Office, and Storage Use within a 1,375 Square Foot Commercial Unit at 337-B Olympia Avenue was made by Council Member Sofer, seconded by Council Member Cruz. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

- C. **FIRST READING: Ordinance Amending Title 15 of the Sand City Municipal Code to Adopt the 2019 California Building Code and Appendices H, I, J; the 2019 California Historical Building Code; the 2019 California Existing Building Code; the 2019 California Residential Code; the 2019 California Plumbing Code, the 2019 California Electrical Code, the 2019 Mechanical Code; the 2019 California Green Building Standards Code; the 2019 California Fire Code; and the 2018 International Property Maintenance Code and Deleting Municipal Code Section 15.08.030 and Chapter 15.09**

City Planner Pooler reported that the State of California adopted updated editions of the California Building Standards Code as indicated, and these codes must be implemented by county and municipal governments throughout California as of January 1, 2020. Following the State's adoption of updated building standards, the City would adopt an ordinance to amend and update Title 15 of the Sand City Municipal Code (SCMC) to be consistent with the updated California Code. The staff report lists the updated California Codes to be adopted and incorporated into the SCMC

Section 15.080.030 of the SCMC regarding the Fire Code and Board of Appeals, was an amendment adopted with the 2016 Code update; however this section is now in conflict with the 2019 Fire Code and needs to be deleted. The remaining code amendments adopted by the City in 2016 will remain unchanged but will apply to the new adopted 2019 Codes. These more restrictive code amendments are consistent with the code requirements adopted by the City of Monterey which satisfy terms of the service agreement contract between the cities of Sand City and Monterey for consistency in plan review, site inspection, and code enforcement.

Staff recommends that the Council approve a first reading of the attached draft ordinance to update and amend related sections of Title 15 of the Sand City Municipal Code. This ordinance would then be effective on January 1, 2020 following adoption of a second reading.

- 6:08 P.M. The Mayor opened the floor for Public Comment, and seeing none, closed the floor for Public Comment.

Motion to approve the First Reading by title of **Ordinance** amending Title 15 of the Sand City Municipal Code to Adopt the 2019 California Building Code and Appendices H, I, J; the 2019 California Historical Building Code; the 2019 California Existing Building Code; the 2019 California Residential Code; the 2019 California Plumbing Code, the 2019 California Electrical Code, the 2019 Mechanical Code; the 2019 California Green Building Standards Code; the 2019 California Fire Code; and the 2018 International Property Maintenance Code and Deleting Municipal Code Section 15.08.030 and Chapter 15.09 was made by Council Member Hawthorne, seconded by Council Member Cruz. Roll Call Vote AYES:

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

AGENDA ITEM 10, NEW BUSINESS

{City Attorney Norgaard recused herself and left the dais}

A. Consideration of City RESOLUTION Authorizing the Acting City Manager to Execute a City Attorney Employment Agreement for City Attorney Services with Vibeke Norgaard for a Term of Three Years through June 30, 2022

Mayor Carbone commented that a handout was provided to the Council regarding the City Attorney employment agreement.

Acting City Manager Scholink added that Staff is requesting continuance of the employment agreement to allow for additional time to research, work out the details, and determine what it would entail to change a contract city attorney to an employee city attorney. This would allow Staff to bring back a more informed report of what the conversion would entail.

Motion to continue the City **Resolution** authorizing the Acting City Manager to Execute a City Attorney Employment Agreement for City Attorney Services with Vibeke Norgaard for a Term of Three Years through June 30, 2022 was made by Council Member Blackwelder, seconded by Council Member Cruz. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

{City Attorney Norgaard returned to the dais}

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

Mayor Carbone reported that she attended the *ITN* Monterey event hosted by BMW of Monterey along with other Council Members. This was in recognition of *ITN* Monterey's 50,000 ride to the community. Various people and drivers were recognized at the event to include the first woman who received the first ride and the driver who offered the 50,000 ride. She also reported on the event held by the Monterey County Convention and Visitors Bureau.

Council Member Hawthorne reported that at the last TAMC meeting, TAMC will not be installing a waterline through Sand City at this time. There were several members of the Board who were in opposition to having the waterline going through their cities, while others were in favor of the project. TAMC has been working on getting approval for the waterline project for the past 20 years.

C. Upcoming Meetings/Events

The Deputy City Clerk reminded the Council of the Community Human Services (CHS) Anniversary Gala to be held on Saturday, October 17, 2019. Council Member Sofer also reminded the Council of the TAMC Bicycle meeting that will be held in City Hall at 6:00 p.m.

AGENDA ITEM 11, CLOSED SESSION

6:23 P.M.

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

- 1) **Discussion pursuant to Government Code Section 54957(b)(1) to Consider Candidates for City Manager Position**

6:44 P.M.

B. **The City Council/ Agency Board re-adjourned 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 had confidential discussion on the City Manager position.

AGENDA ITEM 12, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Blackwelder, seconded by Council Member Hawthorne. There was consensus of the City Council to adjourn the meeting at 6:45 p.m. to the rescheduled Council meeting on Tuesday, September 24, 2019 at 5:30 p.m.



Connie Horca, Deputy City Clerk