

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

Regular Meeting – October 1, 2019
4:00 P.M.
CITY COUNCIL CHAMBERS

Mayor Carbone opened the Closed Session Council meeting at 4:00 p.m.

Present: Mayor Mary Ann Carbone
Vice Mayor Blackwelder {excused absence}
Council Member Hawthorne
Council Member Sofer {excused absence}
Council Member Cruz

Staff: Linda Scholink, Acting City Manager
Vibeke Norgaard, City Attorney
Connie Horca, Deputy City Clerk

AGENDA ITEM 1, CLOSED SESSION

4:01 P.M. The Mayor opened the floor for public comment and seeing none, closed the floor to public comment.

4:02 P.M.

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

- 1) Conference with legal counsel - anticipated litigation (Government Code Section 54956.9(d)(2); 54956.9(e)).

4:18 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 54957.1 of the Ralph M. Brown Act.

Legal Counsel updated the City Council on anticipated litigation. No action was taken.

AGENDA ITEM 2, ADJOURNMENT FROM CLOSED SESSION

Motion to adjourn the closed session meeting was made by Council Member Hawthorne, seconded by Council Member Cruz. There was consensus of the Council to adjourn the closed session meeting at 4:20 p.m.

CITY COUNCIL MEETING 5:30 P.M.

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

The invocation was led by Youth Pastor Jen Gunter.

The Pledge of Allegiance was led by Sergeant Jeff Bushnell.

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
Jeff Bushnell, Police Sergeant
Charles Pooler, City Planner
Connie Horca, Deputy City Clerk

AGENDA ITEM 4, ANNOUNCEMENTS BY MAYOR, CITY ATTORNEY, AND CITY STAFF

The Mayor introduced Rosalind Greene from the Monterey Peninsula College Board of Trustees.

Ms. Green thanked the Council for the welcome and commented that she is the newly appointed Trustee for Area 1 representing the Cities of Sand City and Seaside. She will be bringing any new information to the City as it is received at the Board meetings.

The Mayor announced that the City will hold a celebration on Indigenous Peoples Day, and that on October 4th there will be a grand opening at Monterey 1 Water. She extended the invitation to the Council and encouraged them to attend.

Acting City Manager Linda Scholink commented that a handout regarding Agenda item 8A was received from Jon-Erik Storm, General Counsel.

The Mayor announced that Item 8A will be moved and considered following Agenda items 9A and 9B due to possible conflicts with Council Members Blackwelder and Sofer.

City Attorney Norgaard provided an update to the Council on the status of Development Agreement with DBO Development for the South of Tioga project, the lift station property, her attendance at the South of Tioga meeting with the developers, work on CalPERS issues and the new City Manager employment contract, the 4Leaf contract that was previously adopted, continued work with planning staff on the Quimby Act, and that Police Officers Association (POA) negotiations should resume in October.

AGENDA ITEM 5, PUBLIC COMMENT

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

Sand City Resident Brian Clark commented on talking about a balanced community, the police services, why Sand City should not have a stand-alone police department, and whether the City will be joining forces with Seaside. He addressed live-work mixed use spaces, updating the current land use and zoning plans. He would like the City to look further into the police department and merging the department.

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

AGENDA ITEM 6, CONSENT CALENDAR

- A. There was no discussion of the Sand City Council Meeting Minutes, September 24, 2019.
- B. There was no discussion of the City Donation/Contribution to the Salvation Army Thanksgiving Meals for \$300, and the United Way Monterey County towards Elementary School Backpacks for \$250.

Motion to approve the Consent Calendar items was made by Council Member Hawthorne, seconded by Council Member Blackwelder. 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 8A, PUBLIC HEARING

This item was moved for consideration following Agenda item 9B.

AGENDA ITEM 9, NEW BUSINESS

- A. **Consideration of City RESOLUTION Appointing Aaron Blair as City Manager and Community Development Director and Authorizing the Mayor to Enter into an Employment Agreement**

City Attorney Norgaard reported that a resolution to approve the draft contract for the appointment of a new City Manager is attached. The recommendation to appoint Aaron Blair as the new City Manager of Sand City follows previous closed session direction and decisions. His selection as the final candidate for the position of City Manager in Sand City follows a rigorous recruitment process, with many qualified candidates, conducted by Paul Kimura, a Principal with the executive recruitment firm of Avery &

Associates. Mr. Blair comes with planning experience, had previously worked in California, and whose grandparents are from Carmel.

The employment contract includes a three year term, with an annual salary of \$172,000.00, plus benefits. The contract does stipulate that he will repay relocation expenses if he is unable to fulfill the term of his contract. There is no fiscal implication, as this amount is currently included in the budget.

5:44 P.M. The Mayor opened the floor for public comment and seeing none, closed the floor to public comment.

Motion to approve the City **Resolution** appointing Aaron Blair as City Manager and Community Development Director and authorizing the Mayor to enter into an Employment Agreement was made by Council Member Sofer, seconded by Council Member Hawthorne. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

The Mayor added that a reception will be held to welcome the new City Manager at a future date and the reception will be announced.

B. Consideration and Discussion regarding Initiating a Comprehensive Parking Study to Develop a Parking Program in Sand City

City Planner Pooler commented that a first draft outline for initiating a comprehensive parking study is attached. The outline would lead to the development of a parking program as part of a long-term capital improvement plan. He reported that staff recommended that the parking study address deficiencies which are: where and how additional public parking can be provided. "Where" is easy, but "How" is more complicated in developing preliminary designs, estimating potential costs, land acquisition/lease issues, identifying and acquiring funding, CEQA requirements, etc. Staff would need to evaluate and update Municipal Code Chapter 18.64 regarding requirements to identify whether parking stall dimensions are still sufficient. Uses promoted by the General Plan and mixed use zoning do not currently have parking requirements in the zoning code. A review would determine which parking standards are kept, modified, deleted, and/or added, to develop parking management strategies to address how the City would manage public parking. The parking study would also address the update and modification of Municipal Code Chapter 10.12 regarding Parking In-Lieu. It would be prudent to look at this section of the municipal code as part of this study to determine whether the parking fees are appropriate and the methodology to acquire in-lieu parking is appropriate. The draft outline on page 101 of the agenda packet for the development of a Parking Program would identify all feasible potentials for new public parking facilities, establish the means for implementation, provide recommendations of the parking study,

and develop new parking standards for zoning code adoption.

The Mayor received clarification on her inquiry regarding why the City of Carmel's city meters did not work for them.

There was Council discussion regarding the possibility of holding a special workshop to conduct a parking study, how to pay for it, what the issues are, and to have a document that would address how to get past the issues in order to make something happen.

Council Member Hawthorne commented that it is his desire to see that the public has more parking and that businesses with employees have a designated parking area. He thanked staff for looking into a parking study program.

5:53 P.M. Floor opened for Public Comment.

Public Member Kristin Horowitz commented that to pay for these issues is to conduct trip studies which would help alleviate parking issues.

Sand City resident Brian Clark commented that due to the city's town size, and critical mass, it would not make sense to install parking meters due to the costs and administrative staff that it would require.

5:55 P.M. Floor closed to Public Comment.

Mayor Carbone suggested that the new City Manager work with Staff to focus and move forward with the parking study to address the city's parking issues.

AGENDA ITEM 8, PUBLIC HEARING

{Council Members Blackwelder and Sofer stepped down from the dais due to a possible conflict of interest by residing within 500' of the subject property}

A. Consideration of City RESOLUTIONS regarding "The Pad Climbing" Operation at 325 Elder Avenue {This item continued from the September 3, 2019 Council meeting}

- 1) 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**
- 2) Disapproving a Coastal Development Permit for an Indoor Climbing and Fitness Facility with Accessory Office and Retail for 'The Pad Climbing' Operation at 325 Elder Avenue**

City Planner Charles Pooler reported that a continued and re-noticed public hearing was held on August 20, 2019 regarding a coastal development permit application submitted by Yishai Horowitz of the "Pad Climbing" to establish a rock climbing facility at 325 Elder Avenue. At the August 20, 2019 Council meeting the City Council directed Staff to finalized the coastal development permit for their consideration and potential action; specifically to modify Condition #9 regarding parking requirements based on the parking study prepared on behalf of the applicant. Since the August 20th meeting, staff has been informed that the subject property's owners and manager were unable to secure leases discussed for this property, for the sixteen (16) off-street/off-site parking spaces discussed in the Parking Study, and that no other property has been obtained/secured to provide additional off-street parking for the use.

Mr. Pooler presented three options modifying Condition #9 for the Councils consideration as directed by the City Council at the August 20th Council meeting to include Option 1: Condition #9 requiring the 16 leased parking spaces noted in the Parking Study, resulting in remaining parking demand being accommodated by street parking; Option 2: requiring 38 off-site/off street which includes the 16 leased parking spaces noted in the Parking Study and the other 22 spaces the Parking Study noted would use street parking. Option 3: Condition #9 requiring 27 off-street and off-site parking spaces which include the 16 leased parking spaces noted in the Parking Study and another eleven (11) off-street parking spaces. In order to approve the coastal development permit with one of the options as noted (or alternative), the appropriate finding(s) for approval must be incorporated into the permit. Mr. Pooler summarized the two findings that would include the reported WHEREAS' that must be incorporated into the permit, regardless of which option was selected. Due to the inability of the applicant or the property management or owner to secure additional off-site/off-street parking, staff does not see how any of the option conditions and findings as noted can be satisfied.

Due to information that additional off-street parking has not been secured by the applicant or property management or owner, staff cannot support this application based on the parking demand of the applicant's submitted Parking Study. The excessive demand for street parking by the applicants use, as outlined by the applicant/property manager's Parking Study and the revised Parking Count cannot be justified. Staff recommends disapproval of the coastal development permit for the applicant's use at the subject property.

Mr. Pooler responded to Council Member Hawthorne's and Mayor Carbone's inquiries regarding available parking spots, off-street parking and leases, and commented that no leases have been secured for the 16 parking spaces or other off-street parking. If the Council approves a permit for any use that does not require any parking to mitigate what's already been identified as a potential impact, that sets a precedence for future permit considerations. Using the salon business permit application as an example, that application was based on the scale and scope of the

use and what its anticipated parking demand would be.

Mayor Carbone commented that the landlord and property owner will speak lastly to the application.

6:08 P.M. Floor opened for Public Comment.

The applicant Kristin Horowitz thanked the Council for their efforts and patience with the application. Staff has been very responsive and the community has supported her in this process. The management have been very supportive as well and extended her apologies for the drama that has happened.

Sand City resident Brain Clark commented that the City's land use and zoning plans are out of date and not in compliance with State regulations, he cannot see how the Council can take any action on this. The traffic plan should take into account how much time is spent sitting in traffic and greenhouse gasses that would be emitted. He requested the Council deny the application, update the land use plan, and to consider the quality of life in Sand City.

Ms. Horowitz added that climbing gyms do not fit into specific zones and usually go into industrial zones and what Mr. Clark was speaking to is not accurate.

Business owner John Sewald remarked that his building involves the six parking spaces and informed Mr. Grimm that he can park in his spaces. He was reluctant to sign an agreement for a variety of reasons.

Public Member Alisa Ginsberg commented that she has been a climber for 13 years and that climbers walk to the location, often carpool, and try to remain environmentally friendly. She rides her bike to the area and is willing to walk to the gym. The gym would continue to provide a positive influence to the community.

Public Member Rachel Comison mentioned that she is a climber and concurred that climbers do carpool. Having interaction with like-minded people is very positive for communities.

Public Member Katy seconded that 90% of the time, she rides her bike here and is one person less that would occupy a parking space.

Mr. Bill Grimm provided a presentation to the Council on the Pad Parking Solution. The Powerpoint presentation provided several scenarios of the possibility of adding extra parking to the streets, remodeling of the existing building's parking lot that would involve building retaining walls, and restriping of the parking lot to accommodate more parking spaces. He also depicted how many additional spaces can be added to Ortiz, Shasta, and Elder Avenues by creating perpendicular street parking. A 5 year parking Forecast through July 1, 2024 was presented that noted the percentage of

off-site parking spaces needed based on several assumptions such as Camp Transformation opening a location in Salinas, the landlord to expand the parking lot by 6 more spaces, and the possibility of stack parking.

In response to a public members concern that certain individuals are exceeding the 3 minute comment period, City Attorney Norgaard commented that the public comment is normally 3 minutes but Mr. Grimm and Mr. Hubbard are allowed additional time as they are representing the applicant.

Alex Hubbard representing Surfside Enterprises commented on the Bascou's concern regarding the applicant being able to meet the parking requirements, Mr. Garza's objections to the parking analysis as it relates to his unbuilt project which relies heavily on off-street parking, the possible influence of a private citizen that cost the pad 16 parking spaces, Mr. Clarks concern regarding the height of the roof, and the possible suit of inverse condemnation. Mr. Garza cannot sue the city under any theory. There is ample parking available to accommodate the Pad, the Camp and Mr. Garza's project. City street parking should not be considered for private parking needs, but almost all conditional use permits approved have relied on street parking and this precedence has been set. Good businesses should not be turned away, and condition #9 should be removed. There is an 8-9 month build-out process for the Pad and there is plenty of time to address these issues. The clients are willing to build additional parking and that condition #9 should be removed.

Public Member Katy, commented that she loves climbing and supports the idea of climbing, but does not feel that this project is a good idea at this time following the development comments and the traffic that will be coming into the City.

Developer Richard Garza remarked that the numbers and projections are based on peak hours with membership at approximately 400-500 people. It does not seem plausible to accommodate that many people in a 3 hour window. He does not want to see something coming in without anticipating the impact. He suggested that someone should look into the occupancy rate and how many people can be accommodated in the building at one time.

Sand City resident Dierdre Bascou addressed Mr. Hubbard's comment regarding self-interest due to her gym coming to the City of Seaside. She is also a property owner around the corner from the proposed business. Traffic starts at 7:00 a.m. and there is not much street parking there. She does not want to live in the parking lot of the rock gym or any other business that depends on on-street parking. She respectfully asked the Council to disapprove the permit.

6:46 P.M. Floor closed to Public Comment.

Mr. Pooler pointed out that the presentation is a justification of using street parking for the demand and not mitigating the potential impact. The reality is that there is not enough funds to make improvements to City property in this fiscal year's budget. These improvements are on a public right of way and available to anyone's use. Whether the numbers presented tonight are accurate or not, it relies on street parking and proposing improvements that have not gone through proper procedures. He cannot support the application based on these facts.

Mr. Pooler provided further explanation to the Council regarding the proposed improvements to the property, numbers from the original parking study, and that the proposed improvements have not gone through proper approval procedures.

Council Member Hawthorne commented that he loves the idea of the Pad Climbing and was hoping that Mr. Grimm would secure additional parking. He spoke to the serious problem of street parking and the City's need for parking spaces. The proposed application needs to secure another property or a long term lease for additional parking. Mr. Pooler spoke to parking requirements as it pertains to individual use permit applications.

Council Member Cruz expressed that this would be a great business for Sand City and would lend to the City's vision moving forward. The numbers presented now and the build-out into the future have not been addressed nor approved and has concerns for the over-flow that it would cause in the immediate.

Mayor Carbone concurred that it is a great business and that the City would like to have them here. This item has been heard several times and ideas have been provided on how to make this work. Staff has heard about the property owner creating additional parking, however the use is being heard tonight and it all comes back to street parking. There is a staff recommendation on page 30 with resolutions attached to either approve or disapprove the application.

Council Member Hawthorne added that the Council cannot set a precedence to allow the construction of buildings without having adequate parking. Right not the City does not have a parking plan and there is not enough parking to approve this use.

Mr. Grimm pointed out several things such as a new Camp Transformation in Salinas, the construction of additional parking and that in the next two years the traffic problem should decrease. The perpendicular parking presented should provide adequate parking.

Mr. Pooler reported that the staff report provides an explanation of parking in-lieu. There are inconsistencies in the municipal code and procedures need to be followed. The Council would also need to make some findings as stated in the municipal code. Staff does not see how Title 10 of the municipal code can apply to this property.

Motion to disapprove the 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.

The Mayor thanked Staff and the applicant for trying to find viable solutions.

C. Comments by Council Members on Meeting and Items of Interest to Sand City

Council Member Hawthorne reported that he would like to see Sand City focus on other events other than the West End Celebration.

Mayor Carbone reported that there will be a celebration recognizing Indigenous Peoples day on October 14, 2019 beginning at 3:30 p.m. with a cooking demonstration.

D. Upcoming Meetings/Events

The Deputy City Clerk reminded the Council of the upcoming Annual League of California Cities Conference to be held on October 16-18, 2019. Acting City Manager Scholink announced the Monterey County Business Council's monthly luncheon featuring Robert Rivas.

AGENDA ITEM 10, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Cruz, seconded by Council Member Hawthorne. There was consensus of the City Council to adjourn the meeting at 7:15 p.m. to the next regularly scheduled City Council meeting on Tuesday, October 15, 2019 at 5:30 p.m.



Connie Horca, Deputy City Clerk