

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

Regular Meeting – November 19, 2019
5:30 P.M.
CITY COUNCIL CHAMBERS

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

The invocation was led by Reverend Robert Hellam.

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: Aaron Blair, 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 MANAGER, CITY ATTORNEY, AND CITY STAFF

The Mayor announced that her report of activities as well as the City Managers report was distributed to the Council and also provided for the public on the table.

City Manager Blair commented that his report demonstrates a draft of items that the Council will see every meeting which displays a worklist of items that are being worked on and the proposed completion dates of several items. It will also list economic development projects and business activities. Any items that appear highlighted are considered 'hot' topics.

Mayor Carbone added that she attended the California Coastal Commission meetings last week, and a copy of the Monterey One Water Draft EIR is on the table. There has been some rearranging at City Hall to make more work space, and announced an invitation to attend another Women's Leadership meeting at the White House next month.

AGENDA ITEM 5, PUBLIC COMMENT

5:34 P.M. Floor opened for Public Comment.

There was no comment from the Public.

5:34 P.M. Floor closed to Public Comment.

AGENDA ITEM 6, CONSENT CALENDAR

The Mayor announced that Agenda item 6B will be pulled from the Consent Calendar and considered under Agenda item 7 due to possible conflicts.

- A. There was no discussion of the Sand City Council Meeting Minutes, November 5, 2019.
- B. Approval of City **Resolution** granting the City Manager authorization to execute a Water Assignment Agreement and assign up to 0.754 acre-feet of Water from the Sand City Water Entitlement for the Wilson Properties LLC's Commercial Development Project fronting the 500 Block of Shasta Avenue as approved by CDP 17-04. This item was pulled from the Consent Calendar and considered under Agenda item 7.
- C. There was no discussion of the City/Successor Agency Monthly Financial Report, July 2019.
- D. There was no discussion of the Joint Powers Financing Authority (JPFA) **Resolution** Confirming its Officers.

Motion to approve the Consent Calendar items 6A, and 6C-D was made by Council Member Hawthorne, seconded by Council Member Sofer. 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

{A paper draw was conducted and Council Members Blackwelder and Sofer stepped down from the dais due to a possible conflict of interest by residing within 500 feet of the subject property}

Agenda item 6B-Approval of City **Resolution** granting the City Manager authorization to execute a Water Assignment Agreement and assign up to 0.754 acre-feet of Water from the Sand City Water Entitlement for the Wilson Properties LLC's Commercial Development Project fronting the 500 Block of Shasta Avenue as approved by CDP 17-04. This item was pulled from the Consent Calendar.

City Planner Pooler explained the process of granting water for an approved

project to Council Member Cruz.

5:41 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** granting the City Manager authorization to execute a Water Assignment Agreement and assign up to 0.754 acre-feet of Water from the Sand City Water Entitlement for the Wilson Properties LLC's Commercial Development Project fronting the 500 Block of Shasta Avenue as approved by CDP 17-04 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 and Sofer.

{Council Members Blackwelder and Sofer returned to the dais}

AGENDA ITEM 8, 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 Approving Conditional Use Permit 636 for Western Pacific Machining Authorizing High-Tech Machine Shop with Accessory Office and Storage within the Commercial Unit at 801-B California Avenue

City Planner Pooler reported that an application for a conditional use permit was submitted by Mark Von Geise to establish a machine shop with accessory office and storage within an approximate 3,000 square foot portion of an existing commercial building at 801-B California Avenue. He provided the site description of the subject property and indicated that the property has adequate parking for eight (8) perpendicular on-site parking spaces. The existing on-site water credit is adequate to accommodate the use. Items stored on-site would include raw materials of aluminum, steel, titanium plastic, and computer controlled mill equipment. Intended hours of operation are from 7:00 a.m. to 9:00 p.m., Monday through Friday with occasional weekends. Staff recommends that manufacturing activities be from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturdays to minimize impact(s) on residential dwellings. Staff is confident that the noise and vibration will not carry beyond the confines of the applicants building based on the information provided by the applicant regarding the type of equipment used and supports allowing the operation to continue to 9:00 p.m. on weekdays, but still recommends the hour limitation on Saturdays. The permit should also specify that if activities beyond 6:00 p.m. on weekdays pose a nuisance to nearby residential dwellings, that the City can further restrict/limit operational hours. Deliveries and shipments will be via UPS or Federal Express 2 to 3 times per week or by the applicant's company van. Staff recommends that large truck deliveries be limited to no more than 2

times per year.

The applicant submitted Material Safety Data Sheets that were provided by Staff to the City's Advisory Agencies. The County Health Department responded that there are no setbacks for the scope of this project and that the applicant needs to contact the County's Hazardous Materials Management Services Program inspectors. The Fire Department commented that a NFPA 704 placard be required on the front of the building. Noise and particulate generated by the shaping/drilling activities would be mitigated by the computer controlled milling machines and would mitigate any potential negative impacts along with the masonry block construction of the building. The operation is not anticipated to produce negative harmful fumes or odors. Staff recommends approval of the conditional use permit for the applicant with the conditions/restrictions proposed by staff.

Mr. Pooler pointed out a typographical error on page 2 of the resolution indicating that the word "workshop" should read "machine" shop.

There was Council discussion and concerns regarding possible fire hazards from the materials that will be used as well as possible noise impacts that may be generated by the machines. The Mayor commented that the applicant will address the Council's concerns.

The applicant, Mark Van Geise responded to the Mayor's question regarding how the filtration system works, indicating that the cutting tool has to be cooled, and that the chip auger is contained so no fumes or dust particulates are generated. Deliveries that occur by large trucks may contain pallets and that if any deliveries are made, will be seldom and limited. Raw materials will arrive as pre-cut pieces. He also addressed Council Member Sofer's question regarding fire extinguishers and mentioned that the facility will have standard fire extinguishers as the newer machines now contain cooling equipment to mitigate any potential fire hazards.

5:58 P. M. The Mayor opened the floor for public comment and seeing none, closed the floor for public comment.

In response to the Mayor's question whether the applicant was in agreement with the conditions of the use permit, Mr. Van Geise commented that he was in agreement with permit conditions.

Motion to approve the City **Resolution** approving Conditional Use Permit 636 for Western Pacific Machining Authorizing High-Tech Machine Shop with Accessory Office and Storage within the Commercial Unit at 801-B California Avenue was made by Council Member Blackwelder, seconded by Council Member Hawthorne. AYES: Council Members Blackwelder, Carbone, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: Council Member Cruz. Motion carried.

AGENDA ITEM 9, NEW BUSINESS

A. Consideration of City RESOLUTION Authorizing the Sand City Successor Agency Executive Director to Enter into a Purchase and Sale Agreement for the Sale of the lift station property (Assessor Parcel Number 011-122-005) to DBO Development, LLC.

City Attorney Norgaard commented that the Sewer Lift Station Property located on Tioga Avenue near the Metz Road intersection was initially acquired by the former Sand City Redevelopment Agency as part of a cooperative endeavor with DBO Development ("DBO") to acquire properties within the designated South of Tioga Project area to accommodate redevelopment in Sand City. When the former Redevelopment Agency was dissolved, a long range property management plan (LRPMP) was developed and approved by the Department of Finance. The LRPMP sets forth the requirements for the conveyance of the Lift Station Parcel and the Property is required to be offered to DBO Development at its fair market value, appraised at \$75,000. Staff has negotiated the terms of the sale with DBO's attorney, and received some direction from the Successor Agency regarding the terms of sale during a closed session meeting.

The site has continued its sewer pumping operation and is being operated by the Seaside County Sanitation District (SCSD). SCSD has plans to complete a new sewer main improvement project within Tioga Avenue which will negate the need for the lift station. The Purchase and Sale Agreement (PSA) includes a term, at DBO's request, that a condition of closing is that DBO executes an agreement with SCSD regarding the potential relocation of the lift station. The PSA also acknowledges an implied easement on the part of SCSD to access the lift station in the event it needs to maintain or service the station for the period of time it is still in use.

Staff recommends that the Sand City Successor Agency approve the resolution authorizing the Successor Agency Executive Director to enter into the attached purchase and sale agreement for the sale of the Lift Station Parcel.

6: 04 P.M. Floor opened for Public Comment.

Matt Nohr representing DBO Development thanked Staff, the Successor Agency and City Attorney for working out the details with Seaside Sanitation District and is appreciative of the work involved to move the project forward. He is hopeful that SCSD will continue to work out the sewer agreements.

6:06 P.M. Floor closed to Public Comment.

Council Member Sofer expressed her appreciation to everyone who has worked on this.

Motion to approve the Successor Agency **Resolution** by title, authorizing the Sand City Successor Agency Executive Director to Enter into a Purchase and Sale Agreement for the Sale of the Lift Station Property (Assessor Parcel Number 011-122-005) to DBO Development, LLC was made by Successor Agency Member Hawthorne, seconded by Successor Agency Member Sofer. AYES: Successor Agency Members Blackwelder, Carbone, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: Successor Agency Member Cruz. Motion carried.

{Council Member Cruz returned to the dais}

B. Consideration of City RESOLUTION Amending Schedule N of the City's Fee Schedule Related to Police Department Fees

Police Chief Brian Ferrante reported that the current Police Department fee schedule is 20 years old and that new items should be listed in which the department can recover some costs. These services include providing Accident/Crime Reports, Vehicle Impound Releases, and Citation Sign-Offs. Other agencies on the Peninsula have a fee schedule for these activities used to defray the cost of service. Department staff conducted a survey of fees surrounding agencies charge for various services. Fees that the City does not currently charge for includes accident/crime reports, vehicle release and impound fees, citation correction, public records audio/video recordings.

The Department is now required to release audio and video records to the public upon request (with some specific exceptions) due to recent legislation that was passed. These video/audio records must be redacted in order to protect the privacy of involved parties that consumes and requires significant staff time. There are also costs associated with obtaining and maintaining the necessary software to complete the redaction process. The Department can recover these costs by billing the requester, and each request would be billed based on the amount of resources required to fill the request.

The adoption of the fee schedule would have a positive fiscal impact resulting in approximately \$13,000 to \$14,000 annually of unreimbursed costs. Staff recommends adopting the proposed fee schedule for reports, vehicle releases, public records audio and video recordings, and citation corrections.

Chief Ferrante confirmed that the department has not charged for other agency citation sign-offs and that should a request for video recordings be made, the work of redacting confidential information will be done in-house and charged at the top officer salary step.

6:11 P.M. The Mayor opened the floor to public comment and seeing none, closed the floor for public comment.

Motion to approve the City **Resolution** by title, amending Schedule N of the City's Fee Schedule Related to Police Department Fees 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.

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

Council Member Sofer reported on her attendance at the TAMC Bike meeting.

Council Member Cruz reported that she was invited to Round Table discussions with other agencies to identify needs within the community and how to better the environment. The Boys & Girls Club was awarded a check for 2019.

The Mayor announced that Council Member Hawthorne was awarded the Lifetime Achievement award by the Arts Council of Monterey and encouraged the Council to attend the awards dinner to be held in February 2020. Mr. Hawthorne added that his family has always been part of the arts and would like the City to consider purchasing a table for the event.

D. Upcoming Meetings/Events

The Mayor announced the upcoming Tree Lighting Ceremony to be held on Friday, December 6, 2019. She is also looking for volunteers to assist with the Toy Drive that will be coordinated with the Monterey Fire Department. There will also be a Thanksgiving Dinner hosted by the Salvation Army in which she will be volunteering and would like other members of the Council to let her know if they would like to participate.

Council Member Sofer commented on the Sanctuary Vacation Rentals and noted that there are a few homes located in Sand City on the list.

AGENDA ITEM 10, 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 6:22 p.m. to the next regularly scheduled City Council meeting on Tuesday, December 3, 2019 at 5:30 p.m.



Connie Horca, Deputy City Clerk