



**REGULAR MEETING**

**SAND CITY COUNCIL**

**AND**

**SUCCESSOR AGENCY OF THE FORMER  
REDEVELOPMENT AGENCY**

**AGENDA  
SAND CITY COUNCIL CHAMBERS**

**TUESDAY, JULY 21, 2020**

**5:30 P.M.**

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

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Regular Meeting – July 21, 2020  
5:30 P.M.

**THIS MEETING WILL BE HELD VIRTUALLY AND IS COMPLIANT WITH THE GOVERNOR’S EXECUTIVE ORDER N-29-20 ALLOWING FOR A DEVIATION OF TELECONFERENCE RULES REQUIRED BY THE BROWN ACT.**

**TO PARTICIPATE IN THE ZOOM COUNCIL MEETING LIVE:**  
**<https://us02web.zoom.us/j/83545686085>**  
**Meeting ID: 835 4568 6085#**

**To participate telephonically by calling the number below:**  
**(669) 900-6833**

**Meeting ID: 835 4568 6085#**  
**If prompted to enter a participant ID, press #.**

**How to submit written Public Comments:**

If any member of the public would like to provide written comments at the meeting, please do as set forth below.

Written: All comments received before 8:00 am the day of the meeting will be posted on the City’s website as “Correspondence” under the relevant agenda item and provided to the City Council members at the meeting. Please email your comments to [connie@sandcityca.org](mailto:connie@sandcityca.org).

Read Aloud During the Meeting: If you want your comment read aloud, prominently write “Read Aloud at Meeting” at the top of the email and your comments will be read into the record (not to exceed three minutes at staff’s cadence).

DURING EACH MEETING members of the public may participate by calling and speaking live during the designated public comment period/time(s), subject to time limits that may be imposed pursuant to the Brown Act at the number provided above.

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- 1. ROLL CALL**
- 2. ANNOUNCEMENTS BY MAYOR, CITY ATTORNEY, AND CITY STAFF**
- 3. PUBLIC COMMENT**

Members of the public may address the City Council/Successor Agency on matters not appearing on the City Council/Successor Agency Agenda at this time for up to three minutes. In order that the City Clerk may later identify the speaker in the minutes of the meeting, it is helpful if speakers state their names. Public comments regarding items on the scheduled agenda will be heard at the time the item is being considered by the City Council/Successor Agency.

If you need assistance, please advise the City Clerk in advance as to which item you would like to comment on and the City will assist you with arrangements.

**4. CONSENT CALENDAR**

- A. Approval of July 7, 2020 Sand City Council Regular Meeting Minutes
- B. Approval of City RESOLUTION Honoring Mayor Joseph David Gunter of the City of Salinas
- C. Approval of City RESOLUTION Consenting to the Termination of the Monterey Peninsula Regional Water Authority Joint Powers Authority
- D. Approval of City Donation/Contribution
  - 1) SNIP Mobile Spay & Neuter - \$500
- E. Approval of City RESOLUTION to Maintain Current Maximum Service Rates Charged by Greenwaste Recovery for Collection of Franchised Solid Waste, Recycling, and Organics for Fiscal Year 2020-2021 and that Revenue Surpluses be used against Rate Increases in Future Years

**5. CONSIDERATION OF ITEMS PULLED FROM THE CONSENT CALENDAR**

**6. PUBLIC HEARING**

- A. Consideration of City RESOLUTION Approving Conditional Use Permit 641 for Monterey Glassworks Authorizing a Glassblowing Workshop, Design Studio, and Showroom with Accessory Office and Storage within the Commercial Unit at 801-B California Avenue
- B. SECOND READING: Consideration of an ORDINANCE of the City of Sand Replacing the Existing General Purpose Transactions and Use Tax at a Rate of One Percent with a General Purpose Transaction and Use Tax at a Rate of One and One-Half Percent, to be Administered by the California Department of Tax and Fee Administration, subject to the Adoption by the Electorate

**7. NEW BUSINESS**

- A. Consideration of City RESOLUTION Approving Placement on the November 3, 2020 Ballot of a Measure to Increase Sand City's General Purpose Transactions and Use Tax To One And One-Half Percent (1.5%); Requesting that the Monterey County Election Department Consolidate the Election Regarding the Measure with The November 3, 2020 General Election and Provide Necessary Assistance and Services; Authorizing Argument; Directing the City

Clerk to take all Necessary Actions to Ensure Placement of the Ordinance on the November 3, 2020 Ballot; and Directing the City Attorney to Prepare and Submit an Impartial Analysis

- B. Discussion and Consideration of City's Position on the Potential Acquisition of Monterey Water System and District Boundary Adjustment Draft Environmental Impact Report prepared by the Monterey Peninsula Water Management District
- C. Comments by Council Members on Meetings and Items of interest to Sand City
- D. Upcoming Meetings/Events

## 8. CLOSED SESSION

- A. City Council/Successor Agency Board to adjourn to Closed Session regarding:
  - 1) Public Employee Performance Evaluation (Government Code Section 54957)  
Position: Chief of Police  
Negotiator: Aaron Blair, City Manager
- B. Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with Cal. Gov Code section 54957.1.

## 9. ADJOURNMENT

Next Scheduled Council Meeting:  
Tuesday, August 4, 2020  
5:30 P.M.  
Telephonic meeting:  
Dial-in number: (425) 436-6361  
Access code: 549824

This is intended to be a draft agenda. The City reserves the right to add or delete to this agenda as required.

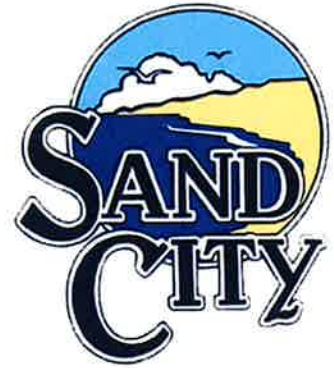
The current Sand City agenda is available in PDF format on our website at:  
[www.sandcity.org/agenda](http://www.sandcity.org/agenda)

If you have a request for a disability-related modification or accommodation, including auxiliary aids or services, which will allow you to participate in a Sand City public meeting, please call the City Clerk at (831) 394-3054 extension 222, or give your written request to the City Clerk at One Pendergrass Way, Sand City, CA 93955 at least 12 hours prior to the scheduled meeting to allow the City Clerk time to arrange for the requested modification or accommodation

# **AGENDA ITEM**

**2**

# MEMO



**To:** Honorable Mayor and City Council Members  
**From:** Aaron Blair, City Manager  
**Date:** July 21, 2020  
**Re:** City Manager Update

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I appreciate everyone's flexibility, and the positive attitude that everyone has shown. If at any time you need anything, or have a suggestion to improve our work environment and/or Council meetings please let me know. I continue to meet bi-weekly with our surrounding City Managers to ensure we are all sharing the most up to date and relevant information to our staff and citizens. At this time, it seems that most are continuing with the following;

- **Virtual (zoom) based Council meetings.** Technology wise for Sand City it is currently easier to have all Councilmembers using their iPads from their home. We are working on a long-term solution to better equip the Council Chambers due to the audio issues we are having with some members in person and some on zoom, and to provide adequate social distancing for Council, Staff, and the public.
- **City Hall closed to walk-in public, but open for appointments.** This is how we currently operate, and seems to be working just fine.
- **Secure Foyer at City Hall.** We have already installed "sneeze guard" aka protective glass, and a new gate to define the City Hall foyer in preparation for public interaction. Thanks, Public Works!
- **City Facilities and Vehicles Cleaning.** We continue to have City Facilities and vehicles 'fogged' with a hospital like disinfectant.
- **Masks at City Hall during work hours.** Guidelines around this allow employees in their workstation to not wear masks full-time in their work station as long as social distancing is involved. We have made some modifications to our work areas to allow for adequate social distancing including social distancing marks on the floor. I would just ask that each of us take the necessary precautions to protect our work environment and fellow staff members.
- **Air purification.** We have installed air purifiers at City Hall, PW, PD, and the Council Chambers. Due to the tight workspace that we all work in this is just another investment is keeping our space clean.

## **Public Works/Engineering**

- Storm water interceptor maintenance contract: RFP (3<sup>rd</sup> quarter)
- CIP-Calabrese Park Improvements A (2<sup>nd</sup> & 3<sup>rd</sup> quarter)
- CIP-Pavement Management Program (3<sup>rd</sup> quarter)
- CIP-Edgewater Habitat Restoration (3<sup>rd</sup> & 4<sup>th</sup> quarter)
- CIP-West Bay Street Repair Project (2<sup>nd</sup> quarter)
  - Extension Granted till 7/1/2020
- CIP-West End SW Improvement Projects (TBD)
  - Contra Costa St. (Grant Funding requested)
  - Catalina St. (Grant Funding requested)
- Sand City Water Supply Project (SCWSP) Phase 1 New Wells (2020)
- CIP-City Hall Electrical Service Updates (2<sup>nd</sup> & 3<sup>rd</sup> quarter)

## **Community Development/Planning**

- CIP-Parking Strategy Plan (Implementation Phase)
- Sustainable Transportation Plan (Implementation Phase)
- Accessory Dwelling Units Code Amendment (3<sup>rd</sup> quarter)
- Short-term rental ordinance workshop (3<sup>rd</sup> quarter)
- Fee schedule Update: Fee Study (3<sup>rd</sup> quarter)
- CIP-Façade Program (On Hold)
- CIP-Public Art Program (2<sup>nd</sup> & 3<sup>rd</sup> quarter)
- CIP- iWorQ: (Implementation Phase)

## **Finance/Clerk/HR**

- Sales tax initiative: November 2020 Ballot (2<sup>nd</sup> & 3<sup>rd</sup> quarter)
- November Municipal Election
- 2020/21 Budget & CIP Process (2<sup>nd</sup> quarter)
- Personnel Manual Revision (3<sup>rd</sup> quarter)

## **Economic Development**

- Carroll Property reuse (2020)
- Ocean View Ave at Fell St. SFD (Under Construction)
- 756 California Avenue (Under Construction)
- 460 Elder Expansion (Permit Review)
- Monterey Bay Shores (Under Construction: On Hold)
- 534 Shasta Commercial Building Expansion (Permit Issued)
- Monterey Bay Collection (Permit Review Coastal Commission)
- Target Remodel (Permit Issued)
- Catalina Lofts (Under Construction)
- Telsa Charging Stations (Edgewater – Permit Review)
- Ashley Home Furniture (Former Orchard Supply)
- South of Tioga
  - Development Agreement
  - Quimby Act
  - Lincoln and Beech ROW Abandonment

- Community Finance District
- Sliver properties (Pending)
- Lot line Adjustment (Pending)
- Final Map

**Other**

- we. murals (Sept 28-Oct 3)



**AGENDA ITEM**

**4A**

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

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Regular Meeting – July 7, 2020  
5:30 P.M.

As allowed per the State of California Governor’s Executive Order N-29-20, this meeting was conducted by teleconference.

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Mayor Carbone opened the meeting at 5:30 P.M.

The following members of the Council and Staff attended the meeting via Zoom teleconference.

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  
Connie Horca, Acting City Clerk  
Charles Pooler, City Planner  
Brian Ferrante, Chief of Police

**AGENDA ITEM 2, ANNOUNCEMENTS BY MAYOR, CITY ATTORNEY, AND CITY STAFF**

The Mayor commented that agenda items 9C City Attorney Contract, and 10A(1) Closed Session will be pulled from the agenda and considered at a future Council meeting.

City Manager Blair reported on the corona virus relief funding, his meeting with Staff regarding rehabilitation of the habitat area, and a possible internship program with California State University Monterey Bay (CSUMB) students for habitat rehabilitation. City Planner Pooler added that Administrative Staff has been in contact with CSUMB and that a comprehensive Phase 1 study needs to be completed prior to work occurring at the area.

City Manager Blair also reported on the status of the West Bay Street and South of Tioga projects, electrical service updates to City Hall, and his work regarding code enforcement issues.

Mr. Pooler provided an update on the status of the South of Tioga project and when the demolition work can commence. Staff is still waiting for payment from the developer before the demolition permits can be issued.

### **AGENDA ITEM 3, PUBLIC COMMENT**

5:49 p.m. Floor opened for Public Comment.

There were no comments from the Public in person, via writing or through telecommunications regarding items not appearing on the agenda.

5:49 p.m. Floor closed for Public Comment.

### **AGENDA ITEM 4, CONSENT CALENDAR**

- A. There was no discussion of the June 16, 2020 Sand City Council Regular Meeting Minutes.
- B. There was no discussion of the City/Successor Agency Monthly Financial Report, May 2020.
- C. There was no discussion of the City **Resolution** authorizing a Time Extension of the Building Inspection and Plan Check Services Agreement with the City of Monterey to June 30, 202.
- D. There was no discussion of the City Donation/Contribution to United Way Monterey County for \$500 and Community Human Service and Gathering for Women for \$1,500 in Support of Casa de Noche Buena.
- E. There was no discussion of the City **Resolution** approving the Contra Costa Street and Sidewalk Improvement Project Funded by SB1, the Road Repair and Accountability Act of 2017 for Fiscal Year 2020-2021.

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

### **AGENDA ITEM 5, CONSIDERATION OF ITEMS PULLED FROM THE CONSENT CALENDAR**

There were no items pulled from the Consent Calendar.

### **AGENDA ITEM 6, PRESENTATION**

- A. **Presentation by City Manager Aaron Blair on the Carroll Property Repurpose**

City Manager Blair provided a PowerPoint presentation to the Council on the repurpose of the Carroll Property using arts-based initiatives as an economic development tool. He commented that the idea would activate a rarely used city owned space to create energy, regional exposure, and much needed community space. The arts programs and quality of place initiatives are crucial when competing for new businesses and investments. He also explained the tangible city benefits of murals that would enhance the community, benefit local businesses, increase magnetism to a location, and boost tourism. The purpose and goal would be to create community space, an open art gallery (to bring art spaces outdoors), and serve as an incubator of artist culture. He provided a few sample photographs and conceptual renderings of what the repurpose of the property could possibly resemble from other cities who have adopted the concept. He also noted that storage units would serve multi-purposes such as an artist studio and gallery serving as pop-up artist spaces.

There was discussion regarding involvement of other arts organizations, how often an event would take place, a home/space for public theatre, and whether adjacent businesses in the area approve of the repurpose. It was noted that organizations such as the Arts Council for Monterey, and the Forest Guild Theatre have expressed their interest in being involved with the idea.

6:18 p.m.

There were no comments from the Public in person, via writing or through telecommunications regarding items not appearing on the agenda.

6:18 p.m.

The Council expressed their approval of the repurpose for the Carroll Property, and Staff was directed to bring a cost analysis budget back to the Council.

## **AGENDA ITEM 7, PUBLIC HEARING**

- A. FIRST READING: Consideration of an ORDINANCE of the City of Sand Replacing the Existing General Purpose Transactions and Use Tax at a Rate of One Percent with a General Purpose Transaction and Use Tax at a Rate of One and One-Half Percent, to be Administered by the California Department of Tax and Fee Administration, subject to the Adoption by the Electorate**

City Manager Blair commented that the attached Ordinance is presented for First Reading for the Council to consider replacing the existing general purpose transactions and use tax (TUT) to 1.5%. The current TUT is 1%. Under State law, cities may impose transactions and use taxes at a rate of 0.125%, or a multiple of that amount, of retailer's gross receipt from the sale

of tangible goods. He explained the procedure involved for the adoption of the tax that must be approved by a majority vote of the qualified voters voting in the November 3, 2020 general municipal election. HdL projects that should the measure pass, it would produce approximately \$250,000 for the remainder of the 2020/2021 fiscal year, and close to \$1 million during a full fiscal year. Staff recommends adoption of the Ordinance for first reading.

City Attorney Norgaard added that the first reading of the Ordinance would amend the current ordinance already in place, and needs a 2/3d vote of the Council (4 out of 5 councilmembers). It would only go into effect should a majority of Sand City's voters approve the measure at the November elections. She explained the difference between a transactions and use tax as opposed to a sales tax. If approved, the revenue generated would go into general funds and used for City purposes. The ordinance as drafted does not have a sunset date.

6:30 P.M. Floor opened for Public Comment.

There were no comments from the Public in person, via writing or through telecommunications regarding items not appearing on the agenda.

6:31 P.M. Floor closed to Public Comment.

Motion to waive Reading in full of the text of the **Ordinance** of the City of Sand Replacing the Existing General Purpose Transactions and Use Tax at a Rate of One Percent with a General Purpose Transaction and Use Tax at a Rate of One and One-Half Percent, to be Administered by the California Department of Tax and Fee Administration, subject to the Adoption by the Electorate and to read by title only 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

Motion to approve the First Reading **by title**, of an **ORDINANCE** of the City of Sand Replacing the Existing General Purpose Transactions and Use Tax at a Rate of One Percent with a General Purpose Transaction and Use Tax at a Rate of One and One-Half Percent, to be Administered by the California Department of Tax and Fee Administration, subject to the Adoption by the Electorate was made by Council Member Blackwelder, seconded by Council Member Sofer. Roll Call Vote AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

## **AGENDA ITEM 8, OLD BUSINESS**

### **A. Discussion of Greenwaste Recovery Franchise Rate Review (this item continued from the June 16, 2020 Council meeting)**

City Planner Charles Pooler reported that at the June 16, 2020 Council

meeting, staff presented a resolution to maintain the current maximum Greenwaste Recovery services rates and implement no rate changes until the revenue surplus credit from fiscal year 2019-2020 and future surpluses thereafter are expended. Following Council discussion at the meeting, there was consensus of the Council to continue the item. City staff contacted the consultant Rob Hilton of HF&H and Emily Hansen of Greenwaste Recovery for assistance to address Council's concerns and to answer questions noted at the June 16<sup>th</sup> Council meeting. Staff is seeking Council direction regarding rates and surplus management.

Emily Hansen representing Greenwaste Recovery addressed the questions posed by the Council at the June 16, 2020 Council meeting regarding whether residents who move out of the City can reap the benefits of the rate stabilization fund, who would control and monitor the surplus funds and ensure that they are appropriately credited, and how surplus funds would be refunded to customers. Sand City has approximately \$130,000 in its surplus funds as of fiscal year 2019-2020. The Council can decide what they would like to do

City Planner Pooler added that all cities will be doing an amendment of the franchise agreement respective to their city, and Sand City's amendment would include the management of those surplus funds.

Ms. Hansen clarified for Council Member Hawthorne that the substantial rate increases for the cities of Pacific Grove and Carmel were due in part to extra services provided by Greenwaste Recovery that they were receiving.

6:47 P.M. Floor opened for Public Comment.

There were no comments from the Public in person, via writing or through telecommunications regarding items not appearing on the agenda.

6:47 P.M. Floor closed to Public Comment.

Mr. Pooler commented that there is no resolution in the packet and Staff is looking for Council direction. An amendment to the franchise agreement will also be created, and that language would include management of the city's surplus funds.

There was Council discussion regarding the costs to provide refunds and credits and/or whether to keep the funds in the rate stabilization fund held by Greenwaste Recovery.

At the request of Council Member Blackwelder regarding a staff recommendation be made to avoid any further irresolute discussion, Mr. Pooler recommended that the resolution would be brought back to the Council with language in reference to the franchise agreement amendment, and that once the franchise agreement is prepared and ready for all the cities, that it will also be brought to the Council for consideration.

The Mayor directed City Planner Pooler to present a resolution at the next City Council meeting.

## **AGENDA ITEM 9, NEW BUSINESS**

### **A. Review and Approval of the “Ballot Argument in Favor of Measure”**

City Manager Blair read the entire text of the Ballot Argument in Favor of Measure. He inquired whether the Council approved of the measure language. There were no comments from the Council. Staff recommends the Council support and approve the ballot measure, and the argument in favor of Measure K.

City Attorney Norgaard added that at the next City Council meeting a resolution to place the measure on the ballot will be brought before the Council.

7:00 P.M. Floor opened for Public Comment.

There were no comments from the Public in person, via writing or through telecommunications regarding items not appearing on the agenda.

7:00 P.M. Floor closed to Public Comment.

The item was informational only and no action was taken.

### **B. Discussion of Planning and Organizing Campaign in Support of Measure**

The Mayor commented that she will be contacting the Council individually to organize the campaign in support of Measure K.

### **C. Consideration of City RESOLUTION Authorizing an Agreement for City Attorney Services with Vibeke Norgaard for Fiscal Year 2020-2021**

This item was pulled from the agenda and will be considered at a future meeting.

### **D. Comments by Council Members on Meetings and Items of interest to Sand City**

Council Member Sofer reported on her attendance at the League of California Cities conference held via Zoom.

Council Member Blackwelder reported that at the Monterey Regional Waste Management District meeting he attended, the organization was experiencing some financial shortfalls, has offered early retirement to

eligible employees, that a hiring freeze was imposed, and the 'last chance mercantile' will remain closed through the end of the year. Mr. Pooler added that the recycle buy-back center has permanently closed, and further explained the franchise agreement.

Mayor Carbone reported on Monterey 1 Water's sewer rate increase to \$3.50 a month, the Fort Ord Reuse Authority (FORA) JPA has dissolved, termination of the Monterey Peninsula Regional Water Authority Joint Powers Authority, and the upcoming October 2020 Indigenous Peoples Day celebration.

**E. Upcoming Meetings/Events**

There were no upcoming meetings/events reported.

**AGENDA ITEM 10, CLOSED SESSION**

This item was pulled from the Agenda and will be considered at a future meeting.

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

- 1) **Public Employee Performance Evaluation (Government Code Section 54957)  
Position: Chief of Police**

**B. Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with Cal. Gov Code section 54957.1.**

**AGENDA ITEM 11, 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 7:24 p.m. to the next regularly scheduled City Council meeting on Tuesday, July 21, 2020 at 5:30 p.m.

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Connie Horca, Acting City Clerk



**AGENDA ITEM**

**4B**

**CITY OF SAND CITY  
RESOLUTION SC \_\_\_\_, 2020**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY HONORING  
MAYOR JOSEPH DAVID GUNTER OF THE CITY OF SALINAS**

**WHEREAS**, born on April 18, 1947 in Odenton, Maryland, Joseph Gunter traveled the country with his family whose father served in the United States Army until arriving at the former Fort Ord, and attended and graduated from Junipero Sierra High School; and

**WHEREAS**, following his graduation from high school, Joseph Gunter served four (4) years as a United States Marine during the Vietnam War until 1969, and returned home to accept a Patrol Officer position with the City of Salinas; and

**WHEREAS**, for six (6) years Joseph Gunter served as a Patrol Officer until his promotion to Detective where he remained on the force for the remainder of his 32-year tenure with the Salinas Police Department, and subsequent to his short-lived retirement returned as a Reserve Officer to conduct background investigations until 2012; and

**WHEREAS**, following his retirement, Joseph Gunter served his community as the Mayor of Salinas for eight (8) consecutive years and spearheaded several community projects to include the new Youth Alisal Sports Field and Police Department, Salinas Veteran's Day Parade, was involved in the homeless housing issues, and the California Central Coast Veteran's Cemetery at Fort Ord; and

**WHEREAS**, Joseph Gunter's love for the City of Salinas was demonstrated through his involvement and participation in several organizations to include serving as President, Board Member, and Coach of the Bobby Sox Softball League, Director of Security of the California Rodeo, President of the Salinas Women's Crisis Center, and President and Director of Security of the California International Airshow.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Sand City honors and recognizes Mayor Joseph David Gunter for his passionate and tireless dedication, and for over 50 years of service to his country, community, and the City of Salinas.

**PASSED and ADOPTED** by the City Council of the City of Sand City this 21<sup>st</sup> day of July, 2020 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Mary Ann Carbone. Mayor

\_\_\_\_\_  
Connie Horca, Acting City Clerk

**AGENDA ITEM**

**4C**



# City of Sand City

Agenda Item  <u>4C</u>
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## Staff Report

**TO:** Honorable Mayor and City Council Members  
**FROM:** Mary Ann Carbone, Mayor & Aaron Blair, City Manager  
**DATE:** July 7, 2020  
**MEETING DATE:** July 21, 2020  
**SUBJECT:** Consenting to the Termination of the Monterey Peninsula Regional Water Authority Joint Powers Authority.

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### Discussion:

The Monterey Peninsula Regional Water Authority (“MPRWA”) is a joint power authority pursuant to the Joint Exercise of Powers Act, set forth in the Government Code, Title 1, Division 7, Chapter 5, Section 6500 et seq. (the “Act”). MPRWA consists of the Cities of Monterey, Carmel-by-the-Sea, Del Rey Oaks, Pacific Grove, Sand City, and Seaside (“Members”), which formed the MPRWA in 2012 by executing a Joint Exercise of Powers Agreement (“Agreement”).

On June 23, the MPRWA Directors voted unanimously to dissolve the Authority. The MPRWA had not met the prior year. It was agreed that any advocacy by mayors of the member cities could be accomplished less expensively through the Monterey County Mayors Association.

To formally terminate the Authority each member agency (each city) must adopt a resolution consenting to dissolution. If all member agencies agree, with a majority vote by each member agency, then at the next MPRWA meeting to be held in August a resolution will be put before the Directors to amend the agreement to dissolve the Authority.

Adoption of this resolution would initiate the distribution of unspent funds to cities on a proportional basis, bills paid in full, and the closing of accounts, including checking.

### Fiscal Impact:

MPRWA current fund balance (approximately \$64,000) less final expenses will be distributed to Member cities. Future MPRWA membership costs will be eliminated.

### Recommendation:

Staff recommends that the City Council consents to the termination of the MPRWA pursuant to paragraph 15.2 of the Agreement by August 31, 2020 or as soon thereafter as is administratively possible.

The Mayor and/or the City Manager will execute an agreement rescinding the Agreement and terminating MPRWA on the unanimous consent of the Members, and to take any other necessary steps to effectuate its termination.

**CITY OF SAND CITY  
RESOLUTION SC-\_\_\_, 2020**

**CONSENTING TO THE TERMINATION OF  
THE MONTEREY PENINSULA REGIONAL WATER AUTHORITY JOINT POWERS  
AUTHORITY**

**WHEREAS**, the Monterey Peninsula Regional Water Authority (“MPRWA”) is a joint power authority pursuant to the Joint Exercise of Powers Act, set forth in the Government Code, Title 1, Division 7, Chapter 5, Section 6500 et seq. (the “Act”); and

**WHEREAS**, MPRWA consists of the Cities of Monterey, Carmel-by-the-Sea, Del Rey Oaks, Pacific Grove, Sand City, and Seaside (“Members”), which formed the MPRWA in 2012 by executing a Joint Exercise of Powers Agreement (“Agreement”); and

**WHEREAS**, the Agreement provides that it may be rescinded and the MPRWA terminated by unanimous written consent of all Members, except during the outstanding term of any Authority indebtedness; and

**WHEREAS**, there will be no known outstanding term of Authority indebtedness by August 31, 2020; and

**WHEREAS**, the proposed action is not a ‘project’ as defined by California Environmental Quality Act (hereinafter “CEQA”) Guidelines, Section 15378, and is thus not subject to CEQA per CEQA Guideline section 15060(c)(3), nor is the proposed action subject to CEQA as it will have no significant effect upon the environment, nor a direct or reasonably foreseeable indirect physical change upon the environment per CEQA Guidelines section 15060(c)(2), and any subsequent discretionary projects that may result from this action will be assessed for CEQA applicability.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of Sand City as follows;

- 1) The City of Sand City consents to the termination of the MPRWA pursuant to paragraph 15.2 of the Agreement by August 31, 2020 or as soon thereafter as is administratively possible;
- 2) The Mayor and/or the City Manager is authorized to execute an agreement rescinding the Agreement and terminating MPRWA on the unanimous consent of the Members, and to take any other necessary steps to effectuate its termination.



# **AGENDA ITEM**

**4D**





# City of Sand City

Agenda  
Item  
4D

## Staff Memo

**TO:** City Council  
**FROM:** Aaron Blair, City Manager  
**DATE:** July 15, 2020  
**SUBJECT:** Review of City Contribution/Donation

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Attached is a request for support and contribution for Fiscal Year 2020-2021. After reviewing this request, the following donation is recommended:

- SNIP Mobile Spay & Neuter - \$500

If any Council member wants to discuss this request or to propose a different contribution, then this item should be pulled from the consent calendar for discussion with the full Council.

The following finding is specified in the annual City/Successor Agency Budget: *"The Sand City Council finds that it is a valid public purpose and in the best interest of this small city to support and participate in various community programs and activities of the larger Monterey Peninsula area. This support includes not only the City's financial contributions outlined in the attached pages but also the active involvement/participation by council members, city staff, Sand City businesses and citizens. This is Sand City's pledge and commitment of support for the larger regional community in which it is an active and dedicated member".*

**DONATION**



SNIP  
 67 Front Street  
 Danville, CA 94526  
 snipbus.org

11/11/20

RECEIVED

JUL 07 2020

CITY OF SAND CITY

DATE 7.7.20

CITY COUNCIL OF SAND CITY  
 ATT: MARYANNE

QTY	DESCRIPTION	TOTAL
1	SPAY NEUTER DONATION JULY 14, 2020	\$500
	<b>SUBTOTAL</b>	\$500
	<b>NON-PROFIT TAX ID # 46-1587546</b>	
	<b>SALES TAX</b>	N/A
	<b>TOTAL</b>	\$500

Make all checks payable to **SNIP**  
**THANK YOU FOR YOUR DONATION!**



16,573 SNIPPED!

Set up a one-time or recurring donation here!

SNIP CLINICS | SPONSORSHIP & SUPPORT | EVENTS | SNIP REALITY SERIES | MORE

# SNIP Monterey County



[Click Here For Upcoming Clinics!](#)

SNIP, a mobile, low-cost spay and neuter clinic serving Monterey County and surrounding areas, has now 'snipped' over 5,000 dogs and cats since its inception in fall 2018! The 26-foot bus travels to Salinas, Prunedale, King City, Soledad, Hollister and beyond offering low-cost spay and neuter clinics by a highly trained veterinary team!

Donations by check can be mailed to 49950 Jefferson Street #130-343,  
Troy, ID 83857

**AGENDA ITEM**

**4E**

CITY OF SAND CITY

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STAFF REPORT ADDENDUM #2

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JULY 8, 2020  
(for the July 21, 2020 City Council Meeting)

TO: Mayor and City Council

FROM: Charles Pooler, City Planner

SUBJECT: GreenWaste Recovery Surplus Revenue & Rate Stabilization Funding

**BACKGROUND**

At the July 7, 2020 City Council meeting, Emily Hansen of GreenWaste Recovery (GWR) made a presentation to address City Council concerns raised at the June 16<sup>th</sup> Council meeting in regard to the management of surplus funds and future service rates. Information presented was based on a collaboration/discussion between Emily Hansen, City staff, and Rob Hilton of HF&H Consultants LLC who provides quarterly and annual report reviews on behalf of Sand City through the Monterey Regional Waste Management District (MRWMD).

**DISCUSSION**

After hearing the presentation and discussion, there was City Council consensus to maintain the surplus funds in a “rate stabilization account” managed by GWR in accordance with methodologies and formulas to be integrated into a Franchise Agreement amendment that is forthcoming. Annual reporting on operational expenses and rates will be reviewed by HF&H through the MRWMD, as is currently done; which will ensure that those surplus funds are applied appropriately towards stabilizing/subsidizing customer rates. Based on the discussion of the July 7<sup>th</sup> Council meeting and a consensus direction to staff by the City Council, a draft resolution is attached (Attachment 1) for Council Action.

**CEQA:**

Action by the City Council to establish, modify, maintain, and/or approve garbage collection/franchise rates is Statutorily exempt from CEQA (California Environmental Quality Act) per CEQA Guideline section 15237(a), nor does such action qualify as a Project per CEQA Guideline section 15378; and therefore, such action is not subject to CEQA per CEQA Guideline section 15060(c)(3).

**Fiscal Impact:**

In accordance with Article 7 of the franchise agreement between the City and GWR, the City receives ten percent (10%) of gross receipts on a quarterly basis for all services performed per the franchise agreement. This fee is to cover the City’s franchise agreement administrative expenses. Franchise fee revenues each quarter will continue to vary depending upon customer demand for services, regardless of the surplus fund.

### **RECOMMENDATION**

Staff recommends **APPROVAL** of the resolution (Attachment 1) to maintain rates and hold surplus funds in a special account to supplement future increased operational expenses and minimize the resulting inevitable future rate increases in accordance with the methodologies and equations to be integrated into a Franchise Agreement amendment that is forthcoming.

### **ATTACHMENTS:**

1. Draft resolution to maintain current maximum service rates for collection of franchised solid waste, recycling, and organic waste for fiscal Year 2020-2021 and that revenue surpluses be used against rate increases in future years.

## CITY OF SAND CITY

### RESOLUTION SC \_\_\_\_\_, 2020

#### **RESOLUTION OF THE CITY COUNCIL OF SAND CITY TO MAINTAIN CURRENT MAXIMUM SERVICE RATES CHARGED BY GREENWASTE RECOVERY FOR COLLECTION OF FRANCHISED SOLID WASTE, RECYCLING, AND ORGANICS FOR FISCAL YEAR 2020-2021 AND THAT REVENUE SURPLUSES BE USED AGAINST RATE INCREASES IN FUTURE YEARS**

**WHEREAS**, the City of Sand City (the "City") entered into a franchise agreement (the "Agreement") with GreenWaste Recovery (hereinafter "GWR") in April of 2015 for solid waste, recycling, and organic collection services for a period starting April 1, 2015 through the end of March of 2030; and

**WHEREAS**, in accordance with the Agreement, GWR initiated a 'Cost Based Rate Adjustment' (the "CBRA") in 2019 for all seven of their Monterey Peninsula service cities to review GWR's actual costs of operation and operational statistics (staffing levels, routes, route hours, customers, service levels, etc.) to determine the total compensation for the 2019-2020 and 2020-2021 fiscal years; and

**WHEREAS**, the City Council is authorized to approve, by resolution, the charge for collection and disposal of waste in the City in accordance with Sand City Municipal Code section 13.04.240; and

**WHEREAS**, HF&H Consultants, LLC (hereinafter "HF&H") performed a review of GWR service rates on behalf of seven Peninsula cities, including Sand City; and

**WHEREAS**, the resulting analysis of HF&H has determined that there was a surplus revenue of \$145,467 (inclusive of franchise fees) during the 2019-2020 fiscal year and an anticipated surplus of \$109,047 (inclusive of franchise fees) for fiscal year 2020-2021 for Sand City; unlike other Peninsula cities that have revenue deficits determined from their individual analyses and are facing either potentially steep rate hikes or service/program cuts; and

**WHEREAS**, though it is understood that current waste collection rates for Sand City have generated a GWR revenue surplus in Fiscal Year 2019-2020 and are anticipated, under current rates, to generate a further surplus for Fiscal Year 2020-2021, it is also known that operational expenses will only increase in order to, in part, accommodate and meet current and future state diversion mandates and waste reduction/diversion goals; and

**WHEREAS**, the Monterey Regional Waste Management District (the "District") have considered budget adjustments resulting in reduced staffing and services at the Marina landfill and increasing the disposal fee and the Material Recovery Facility's (MRF's) processing fee for single stream recycling that will result in additional GWR operational expenses; and

**WHEREAS**, continued and additional effort on the part of the City, GWR, and the District is required to work with the public, both residential and commercial populations, to increase participation in recycling/waste diversion programs, reduce recycle and organic material contamination, and improve food and organic waste collection; all of which will require additional staff and resources by GWR, and possibly also the District, to increase public outreach and education and monitor waste collection in identifying and correcting contamination issues that will improve the City's overall waste diversion numbers in meeting and exceeding state mandates; and

**WHEREAS**, with known future increases to operational expenses, it is hereby deemed prudent and fiscally responsible to hold current rates constant and utilize those surpluses in a "rate stabilization account" to subsidize and stabilize franchise service rates into the foreseeable future.

**WHEREAS**, the methodology and formulas for managing those surplus funds in a rate stabilization account towards subsidizing future rate increases will be incorporated into a franchise agreement amendment to be ratified by the City Council at a later date; and

**WHEREAS**, action by the City Council to establish, modify, maintain, and/or approve garbage collection/franchise rates is Statutorily exempt from CEQA (California Environmental Quality Act) per CEQA Guideline section 15237(a), nor does such action qualify as a Project per CEQA Guideline section 15378; and therefore, such action is not subject to CEQA per CEQA Guideline section 15060(c)(3).

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Sand City to maintain maximum service rates in Sand City for FY 2020-2021 and that revenue surpluses (less franchise fees) be used against rate increases in future years in accordance with a franchise agreement amendment subject to future City Council adoption.

**PASSED AND ADOPTED**, by the City Council of Sand City, California, this \_\_\_ day of July, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Connie Horca, Acting City Clerk

\_\_\_\_\_  
Mary Ann Carbone, Mayor



**AGENDA ITEM**

**6A**

CITY OF SAND CITY

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STAFF REPORT

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JUNE 15, 2020  
(For City Council Review on July 21, 2020)

**TO: Mayor and City Council**

**FROM: Charles Pooler, City Planner**

**SUBJECT: Conditional Use Permit for glassblowing workshop and design studio at 801 California Avenue**

**BACKGROUND**

An application was submitted by Al Sambar and Nathan Sambar of Monterey Glassworks (the "Applicant") for conditional use permit approval to establish a glassblowing workshop and design studio with showroom and accessory office and storage (the "Applicant's Use") within an approximate 3,000 square foot portion of an existing commercial building at 801-B California Avenue (APN 011-186-020) in Sand City (the "Subject Property"). A conditional use permit was approved for Western Pacific Machining in December of 2019; but that use never commenced operation. The Subject Property has a non-coastal Manufacturing (M) zoning designation and a General Plan land use designation of "East Dunes Specific Plan"; for which no specific plan was adopted. The Applicant's Use at the Subject Property qualifies for a categorical exemption, under State CEQA (California Environmental Quality Act) Guidelines, Section 15301.

**Site Description:**

The Subject Property is 15,000 square feet (200'x75') with an approximate 12,000 square-foot (75'X160') building bounded by California Avenue to the south, Scott Street to the north, and abutting private property to the west and east. The masonry block building is divided into four 3,000 square-foot units, with two units fronting California Avenue and two units fronting Scott Street. The Applicant proposes to use only one of these 3,000 sq.ft. units facing California Avenue. The Subject Property's width is 75-feet, which is sufficient for eight (8) regulation sized perpendicular on-site parking spaces along the building's California Avenue frontage and another eight (8) spaces along the Scott Street frontage; shared between tenants. A door and window showroom, sales, and storage business occupies the adjacent California Avenue unit and Salvation Army (owner of the Subject Property) occupies both units facing Scott Street. The Subject Property borders the South of Tioga project and the to-be realigned East Avenue (see Exhibit E). The Applicant's Unit will be approximately sixty feet (60') away from a residential segment of this development. Existing utilities (i.e. gas, electric, water, sewer, etc.) are available to the site and unit. Road pavement, curbs, driveway apron, and gutter exist along the Subject Property's California Avenue frontage.

## **DISCUSSION**

### **Project Description:**

The Applicant proposes to establish and operate a glass blowing workshop, design studio, and showroom, with accessory office and storage. A detailed "statement of intent" was submitted (see Exhibit F) by the Applicant that describes the intended operation. There will be 3-full time associates the first year, with an increase of 4 to 6 thereafter including some part-time positions. Addition of a second shift could increase employee numbers to between 6 and 9 persons. Visiting glass artists are also anticipated from time to time. Glass Production equipment to be used on site will include, an electric furnace with 400 lbs. crucible to melt glass; 2 natural gas and/or waste vegetable oil fueled furnaces to reheat pieces during production; multiple annealing and casting ovens for melting, casting, and slumping glass; ceiling mounted industrial fans for air turnover; and miscellaneous items such as work benches/tables, torches, finishing wheels/lathes, sandblasting chamber, and hand tools. The operation will only use pelletized/cullet glass and only those colors and processes that do not release hazardous raw materials during the melting process (e.g. no cadmium, lead, beryllium). MSDS sheets will be maintained for all raw materials used in production (this should be a condition of permit approval). The Applicant will utilize a Gurney, hand jack, and 'car lift' for moving and loading parcels to UPS or cargo vans. There will be ceiling and wall mounts for displays. There will also be multiple 3D printers for metal, PLA, and ceramic and a CNC (computer numerical controlled) system for wood/foam mold fabrication. Production items will be marketed through both on-site sales and via internet/Instagram.

The unit will be divided into six operational areas (see Exhibit D) as follows:

1. "Hot Shop" will be that area for live glassblowing activity with furnaces and work space. The area also would provide benching for audiences to observe production activities in addition to classes and filmed and streamed events. Information on such events is at [www.cmog.org/glassmaking/studio](http://www.cmog.org/glassmaking/studio).
2. "Warm Shop" will be that area for creation of large panel artwork and installation work using recycled glass melted and cast in large electric ovens.
3. "Cold Shop" will be that area with equipment for grinding and polishing to finished work.
4. "Fab Lab" will be an enclosed space for 3D printing and CNC operations.
5. "Design Studio" will be open space for employees and visiting artists to design, commission, and market products
6. The storefront gallery will be a space for finished product display and to host events including classes, corporate events, and featured artist shows. The space will also be used for customer pick-up/carry-out and product ordering. Customer access is intended to be limited only to the gallery/storefront area, with exceptions for architects, designers, and the like during classes and co-design sessions.

Classes: The Applicant intends to provide occasional glass blowing classes, ranging between 1.5 to 3 hours long during weekday afternoons and/or early Saturday mornings (see discussion under "Hours of Operation"). Class sizes are intended to be between six to eight (6-8) persons, which staff finds to be of reasonable size when considering available public street parking within the immediate area (see discussion under "Parking").

Land Use: The Subject Property has a General Plan designation of “East Dunes Specific Plan” and a non-coastal zoning designation of “Manufacturing” (M). The draft East Dunes Specific Plan was never adopted or implemented by the City for the entire East Dunes Planning District due to unresolvable issues. Furthermore, section 18.20.030.C of the City’s Zoning Ordinance lists “*any other manufacturing/industrial uses...*” which is applicable to the Applicant’s Use “...*deemed appropriate for the M District by the City Council*” is subject to the issuance of a conditional use permit.

Hours of Operation: The Applicant’s proposed hours of manufacturing activities will be 7:00 a.m. to 6:00 p.m. Monday through Friday; however, the Applicant noted that they may wish to add a second production shift from 3:00 p.m. to 11:00 p.m. Monday through Friday sometime after their first year of operation. Staff typically recommends manufacturing operations conduct their activities only between 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) upon residential dwellings. There are not just the impact(s) of operation inside the building to consider, but also the impact(s) of employees, visitors, class-persons departing the Subject Property during late night hours generating noise from conversations, car ignitions, and the like, which should also be taken into consideration and mitigated during late hours. However, staff would support extended hours to 9:00 p.m. on weekdays due to the low impact nature of the glass blowing operation (see discussion under “Impacts”) inside the building, and 9:00 p.m. is a reasonable weeknight time for the potential external “departure impacts” noted above; which is how staff drafted the permit/resolution condition. However, the permit should also specify that if the Applicant’s weekday operation beyond 6:00 p.m. (typical business day end time) does present a nuisance to nearby residential units, then the City can further restrict/limit operational hours as mitigation (see draft permit Condition No. 3). All shipments/deliveries and loading/unloading activities via large trucks should only occur during standard daytime business hours of 7:00 a.m. to 6:00 p.m. on weekdays and 10:00 a.m. to 5:00 p.m. on Saturdays. On-site office and janitorial activities beyond permit specified hours of operation are acceptable, provided such activities do not pose a nuisance to adjoining units and surrounding properties.

The Applicant also proposes customer and showroom hours to be 9:00 a.m. to 5:00 p.m. Monday through Friday, which staff finds acceptable and compatible with a mixed-use neighborhood and could also include mid-day Saturday as well. Classes are intended on occasion to occur during weekday afternoons between 4:00 p.m. and 8:00 p.m. and/or early Saturday mornings. Staff finds the proposed weekday hours for classes to be reasonable within a mixed-use neighborhood in terms of minimizing potential noise and parking impacts to nearby residential (existing and future) dwelling units; however, classes on Saturdays should commence no earlier than 10:00 a.m. and cease before 5:00 p.m. with no classes or other operation on Sundays to be consistent with use permit conditions applied to other manufacturing businesses in the West End area.

A residential portion of the South of Tioga development project, will be approximately sixty feet (60') away from the Applicant’s unit, separated by the realigned East Avenue (see Exhibit E). Residential tenants in a mixed-use neighborhood should expect some level of noise and activity during daytime business hours; but should also expect

peace/quiet during evening (dusk), night, early morning hours (dawn), and weekends. Therefore, mitigating potential impacts by limiting hours of operation during evening, night, and early morning weekday hours and on weekends is justified. It should also be noted that the industrial Granite Rock batch plant facility, located directly across California Avenue from the Applicant's location and a portion of the South of Tioga's future residential development, already impacts, to some degree, the surrounding area.

Parking: The Subject Property's 75-foot wide California Avenue frontage provides space for up to eight (8) regulation sized on-site parking spaces. Four (4) of these eight parking spaces are for the abutting unit occupied by "Out of the Woods", a window/door product showroom. The Applicant's unit is approximately 3,000 square feet that requires four (4) on-site parking spaces (rounded down from 4.2) per the 1/700 parking ratio of the zoning code (section 18.64.050(K)) for manufacturing uses. Therefore, there is sufficient on-site parking to satisfy zoning requirements for the manufacturing, design, storage, and sales activities of the Applicant's Use. In regard to on-site sales, staff does not classify such activity as a standard "retail" operation, but rather as an accessory wholesale activity with few to no on-site patrons at any single time. Most showrooms in the City with use permits have been evaluated using the 1/700 ratio if they are either primarily manufacturing or service commercial uses. The Applicant's Use is primarily 'manufacturing'; therefore the 1/700 parking standard is the applicable requirement and the parking requirements for retail/wholesale uses should not be applied.

Classes are anticipated to be an occasional occurrence and will not be the primary activity of the Applicant's Use, which is manufacturing. Class sizes are anticipated to be between six to eight (6-8) individuals during any one class time, scheduled during weekday afternoon/evening hours and Saturdays (see discussion under "Hours of Operation"). Staff also recommends that class sizes be limited in size to mitigate parking impacts (see discussion under "classes"). The opposite side of California Avenue is almost continuous curbside parking (minus one driveway apron and one fire hydrant) providing approximately thirteen (13) unmarked parking spaces along the frontage of the Granite Rock facility. These spaces are primarily utilized by Granite Rock employees during daytime hours, but are relatively vacant during late afternoon/evening hours. This availability of curbside public parking is atypical for the City's West End District, but provides an opportunity to accommodate the Applicant's classes. Therefore, staff is confident that there is sufficient parking to accommodate classes of the limited/restricted size and times discussed in this report.

Loading/Unloading: There will be daily UPS pickups, typically between 3pm to 5pm. Larger contract products will have contract delivery van service on an as-needed basis. The Applicant will receive pallet loads of recycled/batch glass approximately once per month via LTL (Less than Truckload) carriers, which could be any size truck between box size to semi-trailer truck. A LTL carrier is when multiple shipments to various locations are combined on a single vehicle/route for deliveries. Staff recommends trailer-truck (i.e. 18-wheelers/semi-trucks) shipments/deliveries and related loading/unloading activities be limited to once per month, consistent with the Applicant's statement of "approximately once per month" to minimize and control impediment(s) of general public traffic flow and driver visibility along California Avenue, a primary

collector street through Sand City. Deliveries via Federal Express, UPS, or the US Postal Service via box trucks or smaller vehicles with quick drop offs, not anticipated drastically to impose upon traffic circulation, should be allowed on California Avenue without restriction. Additionally, any loading/unloading activities at the Subject Property for the Applicant's Use should be restricted to standard daytime business hours of 7:00 a.m. to 6:00 p.m. on weekdays and 10:00 a.m. to 5:00 p.m. on Saturdays.

Storage: The Applicant does not intend any outside storage, and will maintain all activities and material/item storage within their unit. Staff recommends that be a condition of permit approval. Furthermore, the placement of self-contained portable storage units/containers on-site outside the building, particularly in the parking area, should be prohibited (see draft Permit Condition No. 10) to avoid imposing blighting influences. The use of storage containers beyond the confines of the building would identify that the interior of the building has become insufficient to accommodate the Applicant's operation and storage needs.

Safety Precautions: According to the Applicant, the entire furnace section will be under a 'fume hood' that draws air away from equipment and out the roof; and that they intend to install sprinklers underneath that hood. Also, the Applicant intends to install an emergency shower and eye-washing station that is a portable self-contained unit.

Hazardous Materials: According to the Monterey County Hazardous Material Questionnaire completed by the Applicant (see Exhibit G), this use will have less than 200 cubic feet of compressed gas on-site. The Applicant clarified that the only compressed gas on site will be for a portable oxy-acetylene setup to conduct torch spot work on products. The Applicant is planning to use waste vegetable oil instead of natural gas for the non-electric furnace(s). Waste vegetable oil will be collected from nearby food trucks and restaurants. According to the Applicant, storage is simple in a safe non-toxic, non-flammable liquid form in a 250 gallon drum. The operation will only use pelletized/cullet glass and only those colors and processes that do not release hazardous raw materials during the melting process (e.g. no cadmium, lead, beryllium). Material Safety Data Sheets ("MSDS") will be maintained on-site for all materials used in production, which should be a condition of permit approval.

The Applicant uses clear recycled glass mixed with non-recycled colored glass that provide colors to products; which, according to the Applicant, is safer and more environmentally friendly than adding raw/unbound metal oxides. The Applicant will maintain MSDS sheets on-site for each glass color material, which contains a mix of ingredients (see Exhibit H for listing of color materials and their components). The Applicant states that they will not utilize any glass materials that contain oxides classified as a carcinogen of any type. There will also be MSDS sheets for any adhesives/abrasives/etching materials used to finish products (see Exhibit I for listing of misc. materials and web-link to the MSDS sheets).

The permit should contain the standard language regarding storage, use, and disposal of hazardous materials (see draft permit Condition No. 14). Exhibits H and I of this report were provided to the City's Advisory Agencies (including the Fire Department and Monterey County Health Department) as part of this application review. No comments

were received from these agencies at the time of finalizing this report. .

**Trash:** The Subject Property does not provide an on-site trash enclosure to accommodate dumpsters or other waste collection bins/carts. Staff recommends the permit require the Applicant to maintain refuse and trash receptacles within the building, except on their scheduled trash collection days. If a City approved trash enclosure is established on the Subject Property, then dumpsters/bins could be kept in that enclosure(s). Any enclosures should not take away or impact existing on-site parking. The permit should also prohibit the storage of refuse bins/dumpsters on the street except curbside on scheduled trash collection days.

**Impacts:** After viewing a number of on-line video demonstrations (via YouTube) regarding glass blowing production, it appears that this type of operation does not generate excessive noise or vibrations that would be intrusive or not compatible with nearby residences. The Applicant confirmed that the electric furnace is “virtually silent” and that the reheating furnaces are also quiet, but require fans that create “a modest hum.” Based on this information and staff research, City staff does not anticipate the Applicant’s Use to pose a general public nuisance. As a precaution, staff recommends the use permit specify that if activities from the Applicant’s Use (i.e. production, classes, etc.) generate noise audible from the street in front of the building, then the roll-up door is to be closed (see draft permit Condition No. 8).

Due to the use of furnaces and kilns in the production process, the Applicant’s Use will need to comply with all Fire Department and Fire Code requirements. City staff encourages the Applicant’s intent to install sprinklers below the ventilation hoods over the furnaces.

The scope/scale of operation proposed by the Applicant and the masonry block construction of the Applicant’s building appear to be sufficient to minimize and contain potential negative impacts from interior activities. It should be noted that the Granite Rock industrial batch plant facility is across the street from the Applicant’s unit and is in the same proximity to the South of Tioga project area as the Applicant’s proposed location. Any permit for the Applicant’s Use should contain the standard language specifying that any air compressors on-site should only be electric and not gas/fuel powered and turned off to prevent automatic re-pressurization during non-operational hours to mitigate noise/vibration during nighttime hours.

**Signs:** The Applicant does intend to establish a business sign on the Subject Property; however, no information has yet been provided regarding this sign. Commercial signs are subject to City Design Review Committee (DRC) review and approval in the issuance of a sign permit prior to installation. This should be a condition of permit approval.

**Water:**

The Subject Property has water credit for Group I occupancy in accordance with the Monterey Peninsula Water Management District (MPWMD) regulations. The Applicant’s manufacturing operation is also a Group I use. Therefore, on-site water credit for a commercial warehouse is adequate to facilitate this manufacturing operation, and no water

allocation from the City is deemed necessary. If the MPWMD staff determines in the future that additional water is required, the City could then review and decide whether to allocate water from its water entitlement (desalination). However, the zoning permit for the Applicant should contain the standard language stating that approval of a permit does not arbitrarily grant any privilege or right to the Applicant and/or property owner for any allocation of water from the City or other entity.

### **Stormwater Control:**

The Applicant's Use is of an existing commercial building on developed land. The Applicant does not propose to install or replace pavement or implement physical modifications of the site or building that would otherwise trigger storm water control regulations. Therefore, storm water control regulations do not apply to this application.

### **Advisory Agencies:**

Information on the Applicant's Use was circulated to the City's advisory agencies with a reminder distribution two weeks later. The Building Department commented that "*the maximum allowable quantities will determine the occupancy classification and occupancy separation (assemblies) required between the adjacent units.*" The Building Department was otherwise in agreement with Planning staff's draft conditions regarding 'safety precautions' (condition no. 9), 'hazardous waste' (condition no 14), "Air District' (condition no. 18), and Fire Department' (condition no. 19). As of finalizing this report, no other comments were received. The draft permit also includes the following standard condition:

"All requirements of the City's contracted Building and Fire Departments, the City Engineer, the City Police Department, the Sand City Code Enforcement officer(s), the Seaside County Sanitation District, Monterey One Water (formerly 'Monterey Regional Water Pollution Control Agency'), and Monterey County Health Department, that are applicable to the Applicant's Use shall be implemented to the satisfaction of each department and inspector thereof."

This condition enables those agencies to follow up and enforce necessary requirements as they relate to the Applicant's Use post CUP approval.

### **STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the Conditional Use Permit for the Applicant, with the conditions/restrictions proposed by staff and as discussed in this report.

### **Findings:**

1. The Applicant's proposed glass blowing workshop is of a scope and scale that appears compatible with the future South of Tioga development; and consistent with the non-coastal "Manufacturing" zoning designation of the Subject Property.
2. The implementation of the appropriate mitigation, in the form of permit "conditions of approval", is necessary to address potential negative impacts and blighting influences that this type of operation could impose.
3. The Subject Property has water credit based on a Monterey Peninsula Water Management District (MPWMD) 'Group I' classification, which is the same group classification for the Applicant's 'manufacturing' operation; and therefore, no allocation



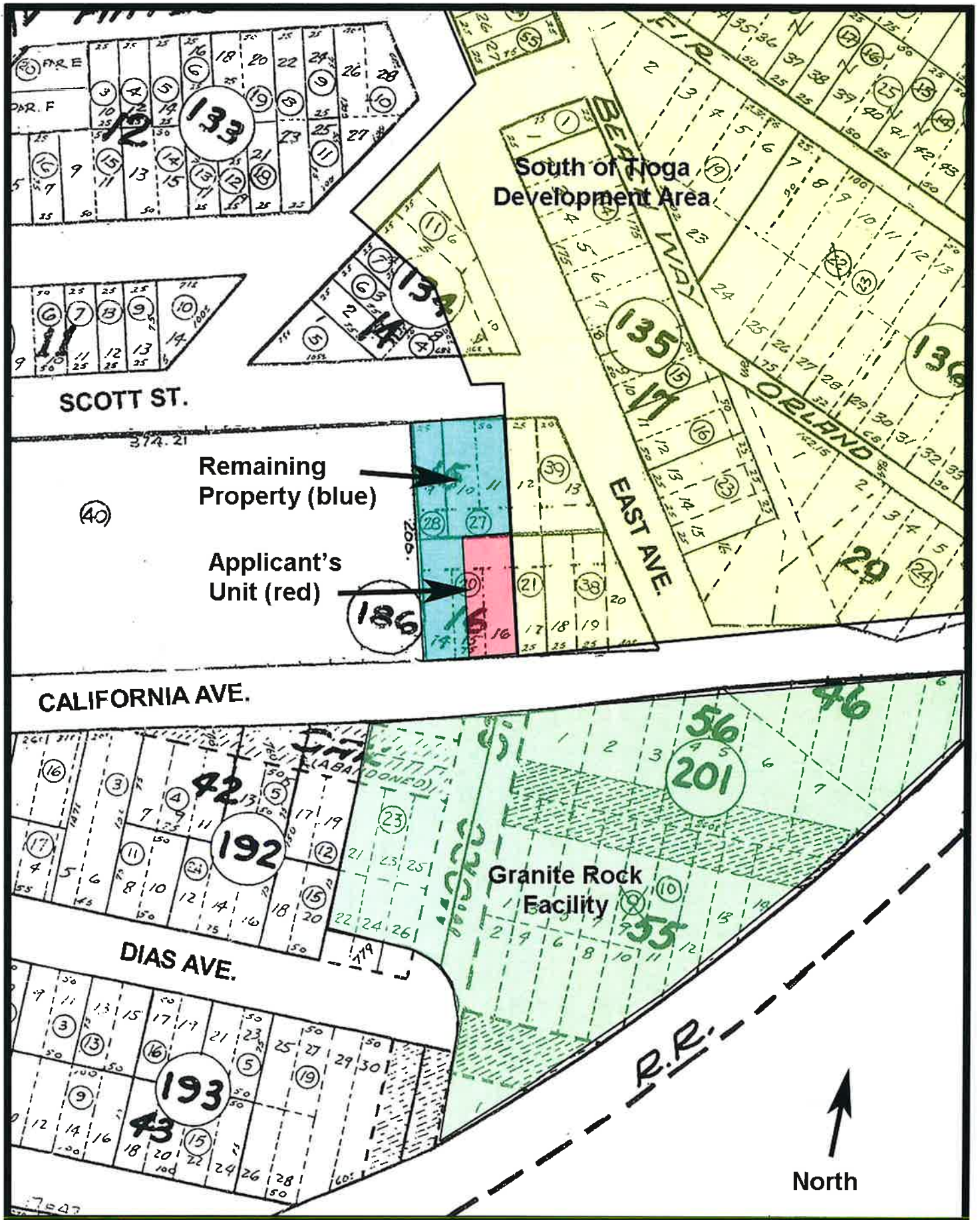
- of water is deemed necessary for the Applicant's Use at the Subject Property.
4. Utilities (electricity, gas, water, sewer, etc.) are sufficiently available to facilitate the Applicant's Use at the Subject Property.
  5. Loading/unloading activities by the Applicant's Use are not anticipated to pose an impediment of traffic flow and/or driver visibility along California Avenue (a primary collector street) due to the scope/scale of operation described by the Applicant and as mitigated with staff's recommended permit conditions.
  6. The site can accommodate the minimum on-site parking requirements of the City's zoning ordinance.
  7. The Project qualifies for a categorical exemption, under State CEQA Guidelines, Section 15301.

Exhibits:

- A. Location Map
- B. Aerial Map
- C. Site Plan / Floor Plan
- D. Applicant's Proposed Floor Plan Layout
- E. South of Tioga Parcel R2 Site Plan
- F. Applicant's "Statement of Intent" (operational plan)
- G. Hazardous Material Questionnaire (Mont. Cnty. Health Dept.)
- H. List of Colors & Constituents (SDS - Safety Data Sheet)
- I. List of materials used w/ web-link to MSDS

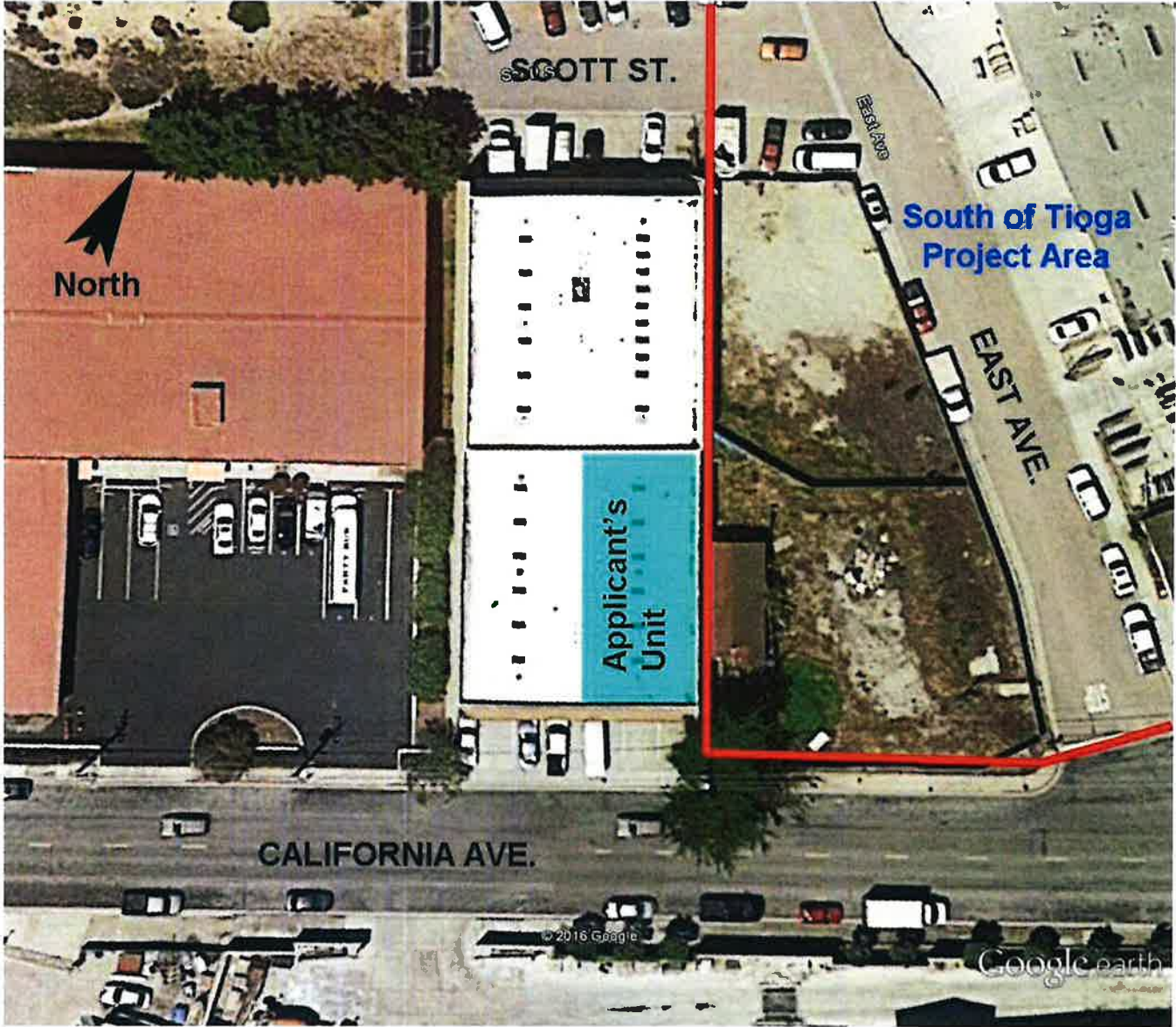
Attachment:

- Draft Resolution to approve a Conditional Use Permit (CUP)



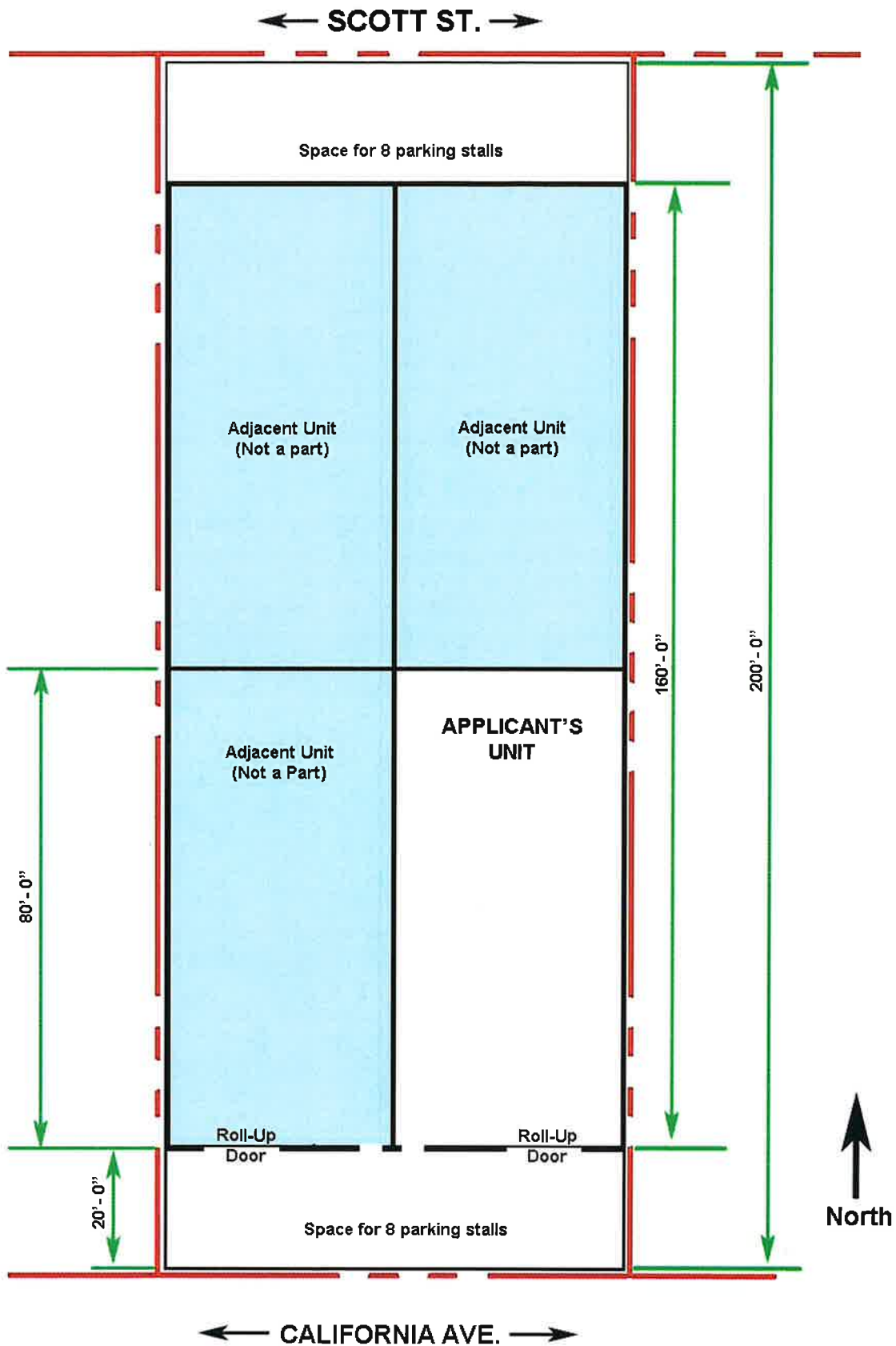
Location Map

EXHIBIT A

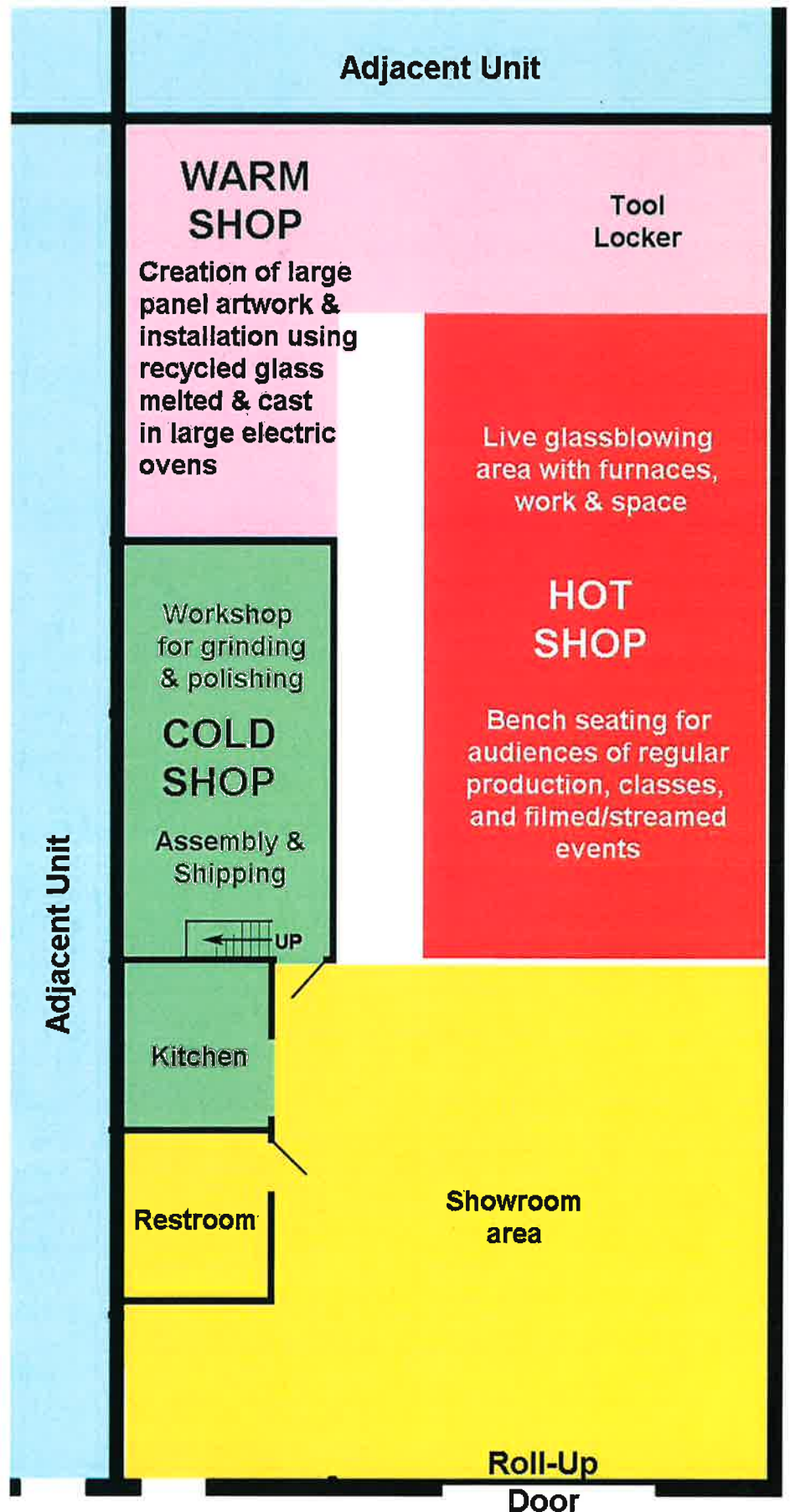
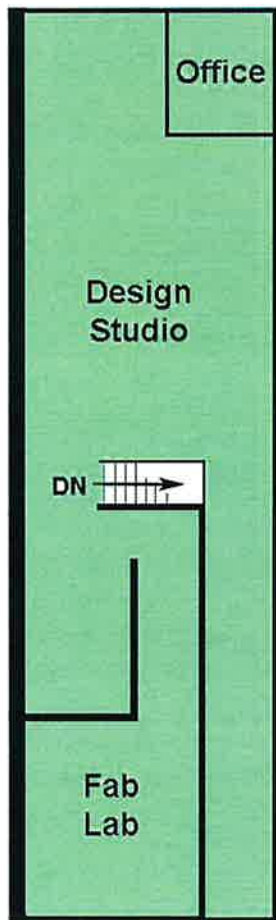


**Aerial Map**

**EXHIBIT B**



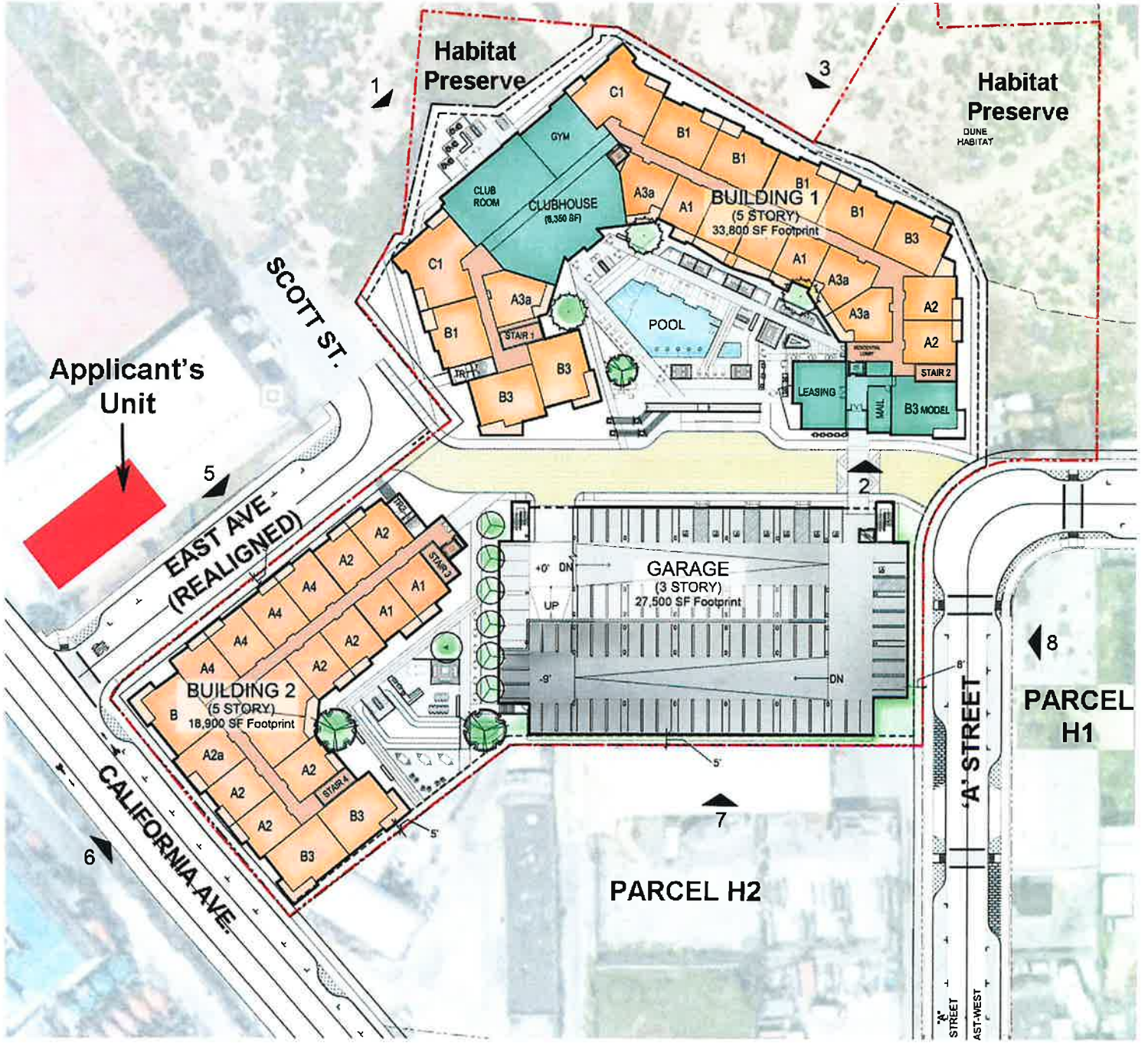
**Upper Mezzanine Floor**



**Unit Floor Plan (activity layout)**

**EXHIBIT D**

- APARTMENTS
- GROUND FLOOR AMENITIES
- PARKING
- PAVED SURFACE
- PROJECT BOUNDARY



Applicant's Unit in relation to South of Tioga Parcel R2 residential development

# Monterey GlassWorks

23835 Fairfield Place  
Carmel, CA 93923  
AI@montereyglassworks.com

May 2020

City of Sand City  
Planning Department

## Statement Of Intent

The owners of Monterey GlassWorks seek to operate a Studio Glassblowing business in Sand City Ca. Monterey GlassWorks is a startup business, established in Spring 2020 as a C Corp with primary ownership by Nathan and AI Sambar.

The business seeks a property on the Monterey Peninsula to house a glassblowing studio serving custom lighting and installation glassworks for residential and commercial properties. This studio will be both a working production facility as well as a teaching/event space, similar to many of its competitors in Seattle, SF and NYC. You will find in this attached letter, a brief discussion of our business.

## Proposed Use

The building would be divided into 6 distinct spaces:

1. **Hot Shop** - A live glassblowing space with furnaces, work space and bench seating for audiences. Used for regular production, classes and filmed/streamed events. (Example see: <https://www.cmog.org/glassmaking/studio>).
2. **Warm Shop** - This space allows artists to create large panel artworks/installation works using recycled glass melted & cast in large electric ovens.
3. **Cold Shop** - A small shop with equipment for grinding/polishing to finish work.

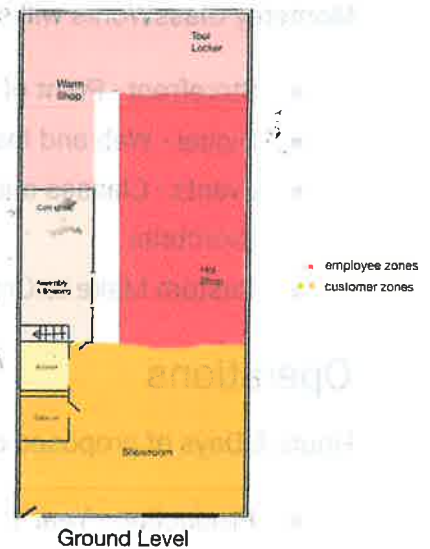
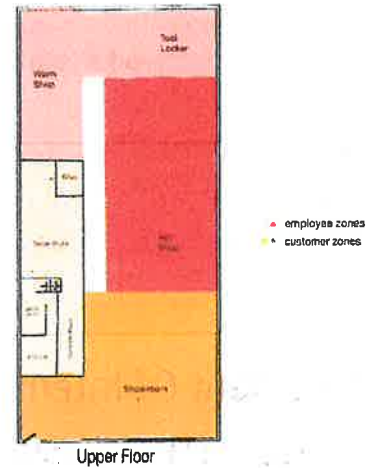


EXHIBIT F

4. **Fab Lab** - An enclosed space for 3D printing and CNC operations.
5. **Design Studio** - Open space for employees as well as visiting creatives to create new products, commissioned designs and digital marketing.
6. **Gallery/Storefront** - A space where finished product is displayed for customers to see. Customers can use their own mobile devices to order products for shipment to home, or for 'carry out items' can purchase through a Point Of Sale. This space will also be used periodically to host events including classes, corporate events, featured artist shows.



Consumer access would be limited to the Gallery/Storefront with viewing access to the workings of the Hot and Warm shops. The exception being that consumers and their partners (eg architects, designers, etc) will be allowed into the hot and warm shops during classes and co-design sessions.

## Sales Channels

Monterey GlassWorks will sell through the following activities:

- Storefront - Point of Sale at showroom in Sand City
- Digital - Web and Instagram sales, shipped from Sand City
- Events - Classes and Corporate events contracted through AirBnb experiences and Eventbrite
- Custom Make to Order - Direct sales through Design-Build & Architectural firms

## Operations

Hours & Days of proposed operations:

- Production - Year 1: 7a - 6p. M-F. By year two we will likely add a partial second shift operation 3p-11p M-F.



- Customer & designer Showroom - 9a -5p M-F
- Event/Classroom - Concurrent with showroom hours plus Fri 3p - 7p, Sat 9a - 5p.

**Employee Count:**

First year employee count will start with 3 full time associates, scaling to 4-6 FTEs plus some part time roles. Year two and three will have us add a second shift and more Saturday sessions and so see that number grow up to 6-9 FTEs plus a half dozen part time roles.

**Company Vehicles:**

The company has no plan to maintain a company vehicle at site. The owners chose the location to be within easy bike ride of our homes, so we also do not have heavy employee parking requirements. Our designated 3 parking spaces will be primarily used for visitor/customer parking.

**Schedule, frequency and method of shipments and deliveries:**

- Shipments - For regular digital commerce, we will have daily UPS pickup. Cutoff to be finalized but approximately 3-5p. For larger installation pieces, we will contract delivery van services which will access through the California street facing roll up door.
- Deliveries - We assume Parcel delivery from UPS/USPS weekly. We will also receive pallet loads of recycled/batch glass via LTL (Less Than Truckload) carriers. Approximately 1/month. During August, as we are delivering and installing equipment, we will have a one time delivery of furnaces and equipment which will entail a 48' trailer backing into the loading door and tail lifting down equipment. We do not anticipate any routine full truck access required to our facility.

**List of materials, equipment, vehicles used or stored at the subject property:**

- Production Equipment - All machinery used to produce finished goods
  - Furnace - electric furnace with 400# crucible to melt glass
  - Reheat Furnaces - 2 natural gas furnaces used for reheating pieces during production
  - Kilns - multiple annealing and casting ovens for melting, casting and slumping glass.

- Miscellaneous working tools - steel benches/tables, torches, finishing wheels/lathes, sandblasting chamber, weigh scale, packaging/ship station, and hand tools used in the production of glass merchandise
- Steel storage racking for packaging and supply storage in tool supply zone.
- Ceiling mounted industrial fans for air turnover
- Gurney, hand jack and 'car lift' for moving parcels to UPS or cargo van loading.
- Retail showroom -
  - Installed display shelving to hold merchandise
  - Ceiling/wall mounts to display hung lighting/fixtures
  - Point Of Sale equipment
  - Cameras and monitoring service for filming, safety and Loss Prevention
  - Tables and seating for event sessions (eg viewing benches).
- Office spaces
  - Workspaces - open format with desks and whiteboards
  - Conference room - large table with chairs
  - Fab Lab
    - Multiple 3D printers (Metal, PLA and Ceramic)
    - CNC system for wood/foam mold fabrication
  - Miscellaneous - Kitchen, breakroom, bathroom supply storage.

Any other relevant detailed information pertaining the proposed use:

- B Corp, Mission based company - We are seeking to qualify as a Benefits Corporation (B Corp designation). A significant amount of our events and giving will be focused on supporting this effort. Specifically, we will be opening as a 1% for the planet partner member, donating a minimum of 1% of revenue to locally based climate and ocean sustainability charities. We desired to obtain certification within one year of operation.
- Utilities - The equipment is largely electrical and will require Tenant Improvements (TI) to bring the required power from the panel to the installed equipment. We will also have a few components that require natural gas and or water to be available. Those will similarly require a few changes to routing from previous tenant's set up, which will be addressed by TI prior to opening.
- Safety - Because our mission is to only produce sustainably made and self recyclable product, Monterey Glass Works will only use pelletized/cullet glass and only those colors

and processes that do not release hazardous raw materials during their melting (eg. No cadmium, lead, beryllium). We will maintain MSDS sheets on premises for all raw materials used in the production of our merchandise. Yet blowing hot glass still has inherent dangers:

- Silica - Finely ground glass in the form of glass powders can cause permanent lung damage. *Mitigation:* no scale glass powder manufacture will occur on premises. Any use of glass powders will be restricted to a controlled workstation with ventilation system to remove particulate from the air. All finished grinding will be completed 'wet' and in an isolated production space by trained operators wearing respirators.
- Gas - In malfunction situations, natural gas not properly combusted is a safety hazard. *Mitigation:* We will operate natural gas furnaces under fume hoods tied automatically to the operations of the reheating furnaces. This would isolate the airflow of the hot shop furnace section of the building from the remainder of the common spaces.
- Heat/Burn - All furnaces and kilns are well insulated and so protect viewers from open exposure to melted glass. But glass blowers themselves will be moving around the workspace with molten glass which can cause burns if touched. *Mitigation:* restrict access of consumers to pre-marked viewing/seating areas, with the exception of classes/events where they are under the direct supervision of an instructor. Additionally we will have emergency and eyewash stations installed adjacent to work areas.

We are excited to join this community of artisans and creatives in Sand City. We chose this location because of the growth potential of this area and the opportunity to be part of its business community. Should you need any more information to help us obtain permitting, you can reach me anytime at 609.841.8513.

Best regards,

AI

**Al Sambar**

**Owner, Monterey GlassWorks**

**609.841.8513**

Monterey County Health Department  
1270 Natividad Road, Room B301  
Salinas, CA 93906  
(831) 755-4511  
Fax (831) 755-8954

Jurisdiction Name Sand City  
Use Permit # CUP 641  
Or  
Building Permit # \_\_\_\_\_  
Contact Name \_\_\_\_\_  
Phone # \_\_\_\_\_

### HAZARDOUS MATERIAL QUESTIONNAIRE

Business Name MONTEREY Glassworks Type of Business Light industrial - Glass blowing Studio  
Site Location 801 B CALIFORNIA AVE City SAND CITY APN: \_\_\_\_\_  
Mailing Address 801B CALIFORNIA AVE, SAND CITY CA 93955  
Business Contact AL SAMBAR 609.841.8513  
Name Phone Number  
Property Owner The SALVATION ARMY (MONTEREY PENINSULA) 831.899.4911  
Name Phone Number

- 1. Will your business/proposed project be using any hazardous materials such as oil, fuels, solvents, compressed gases, acids, corrosives, pesticides, fertilizers, paints or other chemicals?  
 Yes  No
- 2. Will your business/proposed project be using hazardous materials in quantities of 55 gallons and above for liquids, 500 lbs. and above for solids and/or 200 cubic feet and above for compressed gases?  
 Yes  No
- 3. Will your business/proposed project be using any quantities of acutely hazardous materials such as ammonia, chlorine, sulfuric acid, formaldehyde, hydrogen peroxide, methyl bromide or other restricted pesticides?  
 Yes  No
- 4. Will your business/proposed project be using underground storage tanks to store hazardous materials?  
 Yes  No
- 5. Will your business/proposed project be generating any quantities of hazardous waste such as waste oil, waste solvents, etc?  
 Yes  No
- 6. Will your business/proposed project be emitting any hazardous air emissions?  
 Yes  No

CERTIFICATION:  
I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and belief.

ANY QUESTIONS REGARDING THIS FORM CAN BE DIRECTED TO:  
Monterey County Health Department  
Division of Environmental Health  
1270 Natividad Road, Room B301  
Salinas, CA 93906  
(831) 755-4511

Executed AT: Sand City, CA  
City, State

Print Name of Owner/Operator: \_\_\_\_\_  
Signature of Owner/Operator: \_\_\_\_\_

**For Local Jurisdiction Use Only:**

- 1. Is there a known or proposed school, hospital, day care, or long term care facility within 1,000 feet of this site location?  
 Yes  No
- 2. Is there a known or proposed school, hospital, day care, or long term care facility 1/4 mile of this site location?  
 Yes  No

Health Department Clearance

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Air Pollution District Clearance

Print Name and Title: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Print Name and Title: \_\_\_\_\_

**EXHIBIT G**



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**BLOWING**   **CASTING**   **LAMPWORKING**   **TOOLS**   **MISCELLANEOUS**   **COMMUNITY**

[Home](#) » [SDS: Safety Data Sheet](#)

# SDS: Safety Data Sheet

[Please click here for PDF version](#)

## Newsletter

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Name

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Updated 15th December 2016

## Gaffer Colors Constituents

We hereby declare that our coloured glass is made of the following constituents:

**Colour No.**

000/010/011/012/013/014/015/016/018/019/020/021/022/023/024/025/026/030/031/032/033/035/036/037/  
039/040/045/050/051/052/054/055/056/059/055/060/061/062/063/064/065/066/067/068/090/100/150/151/  
152/153/154/155/156/157/158/159/198/199

**Constituents:**

Silica dioxide  
Lead oxide 20% minimum  
Potassium oxide  
Sodium oxide  
Boron oxide  
Arsenic and/or Antimony trioxide  
Colorants

**Colour No.**

034/070/071/072/073/074/076/077

**Constituents:**

Silica dioxide  
Zinc oxide  
Potassium oxide  
Sodium oxide  
Barium oxide  
Calcium oxide  
Boron oxide  
Cadmium sulphide (CdSxSe)

**Colour No.**

075

**Constituents:**

Silica dioxide  
Zinc oxide  
Potassium oxide  
Sodium oxide  
Calcium oxide  
Boron oxide  
Colorants

**Colour No.**

038

**Constituents:**

Silica oxide

# EXHIBIT H

Sodium oxide  
Potassium oxide  
Calcium oxide  
Boron oxide  
Alumina oxide  
Lithium oxide  
Antimony trioxide  
Uranium oxide

**Colour No.**

049

**Constituents:**

Silica oxide  
Sodium oxide  
Calcium oxide  
Alumina oxide  
Boron oxide  
Potassium oxide  
Iron sulphide

**Colour No.**

080

**Constituents:**

Silica oxide  
Sodium oxide  
Barium oxide  
Calcium oxide  
Alumina oxide  
Colorants

**Colour No.**

101/102/103/104/105/106/107/108/111/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/  
135/136/137/138/139/140/141/142/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/  
/185/186/187/188/189/192/193/194/196

**Constituents:**

Silica oxide  
Sodium oxide  
Potassium oxide  
Zinc oxide  
Barium oxide  
Calcium fluoride  
Sodium fluoride  
Boron oxide  
Alumina oxide

**Colour No.**

160/161/162/163/164/165/166/167/168/190/192/193

**Constituents:**

Silica oxide  
Potassium oxide  
Sodium oxide  
Boron oxide  
Calcium oxide  
Barium oxide/lead oxide (either)  
Calcium fluoride  
Phosphorus oxide  
Colorants

**Colour No.**

053

**Constituents:**

Silica oxide  
Sodium oxide  
Lithium oxide  
Calcium oxide  
Barium oxide

Boron oxide  
Alumina oxide  
Colorants

**Color No.**

110/112/113/114/115/116

**Constituents:**

Silica oxide  
Sodium oxide  
Potassium oxide  
Lead oxide 10% min  
Barium oxide  
Calcium fluoride  
Sodium fluoride  
Boron oxide  
Alumina oxide  
Colorants

**Colour No.**

Casting crystal

210/214/215/217/218/219/220/221/225/230/235/240/241/242/245/250/251/252/253/254/255/256/257/  
258/259/260/261/262/263/265/266/267/268/269/270/272/275/276/278/279/280/282/285/290/300

**Constituents:**

Silica oxide  
Sodium oxide  
Potassium oxide  
Lead oxide 42% min  
Antimony /or Arsenic oxide  
Colorants

**Colour No.**

Casting crystal

338 Uranium green

**Constituents:**

Silica oxide  
Sodium oxide  
Potassium oxide  
Lithium oxide  
Magnesium oxide  
Zinc oxide  
Alumina oxide  
Antimony oxide  
Uranium oxide

**Safety Instructions:**

Processing the powders and granulates should happen under a suction system.  
Molten products should be handled under a strong ventilation system.  
Eating and smoking is not allowed during the process.

We certify that the above information is correct to the best of our knowledge.

John Croucher / John Leggott  
Directors. Gaffer Coloured Glass Ltd.

Additional information can be obtained from John Croucher or John Leggott at [gafferglass@xtra.co.nz](mailto:gafferglass@xtra.co.nz)  
2 Collins Street, Morningside, Auckland, New Zealand.  
Ph: 64.9.846.9000 Fax: 64.9.846.9020



# Safety Data Sheet

## SECTION I

Manufacturers Name: Gaffer Coloured Glass Ltd.  
 Address: 2 Collins Street, Morningside, Auckland, New Zealand.  
 Emergency Ph: 64.9.846.9000  
 Ph: 64.9.846.9000  
 Fx: 64.9.846.9020  
 Email: [gafferglass@xtra.co.nz](mailto:gafferglass@xtra.co.nz)

Suppliers name: Gaffer Glass USA Ltd  
 Address: 19622 70<sup>th</sup> Ave South Kent, WA 98032  
 Information Ph: 253.395.3361  
 253.395. 3362  
 Fx: 253.395.3363  
 Emergency Contact: Hallynd Hayes  
 Email: [manager@gafferglassusa.com](mailto:manager@gafferglassusa.com)

Date Prepared: May 2012  
 Common name: Color glass rods, billets and frits  
 Chemical formula: Glass matrix varies with composition and color.

## SECTION II - HAZARDOUS INGREDIENTS / IDENTITY INFORMATION

Chemical name – Common name	Maximum %	OSHA PEL	ACGIH TLV*
Alumina oxide	4.0	10mg/m <sup>3</sup>	10mg/m <sup>3</sup>
Antimony trioxide	0.35	0.5 mg/m <sup>3</sup>	0.5 mg/m <sup>3</sup> * A-2
Arsenic trioxide	5.0	0.01mg/m <sup>3</sup>	0.01mg/m <sup>3</sup> * A-1
Barium oxide	4.0	0.5 mg/m <sup>3</sup>	0.5 mg/m <sup>3</sup>
Boron oxide	3.0	15 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>
Cadmium sulphide	0.7	0.005 mg/m <sup>3</sup>	0.002 mg/m <sup>3</sup> * A-2
Calcium oxide	4.0	2.0 mg/m <sup>3</sup>	2.0 mg/m <sup>3</sup>
Calcium fluoride	1.0	2.5 mg(F)/m <sup>3</sup>	2.5 mg(F)/m <sup>3</sup>
Chrome oxide	5.0	0.5 mg/m <sup>3</sup>	0.5 mg/m <sup>3</sup>
Cobalt oxide	1.5	0.05 mg/m <sup>3</sup>	0.02 mg/m <sup>3</sup> * A-3
Cupric oxide	4.5	1.0 mg/m <sup>3</sup>	1.0 mg/m <sup>3</sup>
Iron oxide	4.0	5.0 mg/m <sup>3</sup>	5.0 mg/m <sup>3</sup>
Lead oxide	50.0	0.05 mg/m <sup>3</sup>	0.05 mg/m <sup>3</sup>
Manganese Dioxide	4.0	5.0 mg/m <sup>3</sup>	0.2 mg/m <sup>3</sup>
Nickel oxide	1.0	1.0 mg/m <sup>3</sup>	1.0 mg/m <sup>3</sup> * A-2
Potassium oxide	12.0	-	-
Selenium	0.3	0.2 mg/m <sup>3</sup>	0.2 mg/m <sup>3</sup>
Silica dioxide (as cristobolite)	71.0	0.05 mg/m <sup>3</sup>	0.05/mg/m <sup>3</sup>
Sodium fluoride	5.0	2.5 mg(F)/m <sup>3</sup>	2.5 mg(F)/m <sup>3</sup>
Sodium oxide	17.0	-	-
Uranium oxide	1.75	0.2 mg(U)/m <sup>3</sup>	0.6 mg(U)/m <sup>3</sup>
Zinc oxide	8.0	5.0 mg/m <sup>3</sup>	5.0 mg/m <sup>3</sup>

All metal oxides are bound as oxides in a silicate matrix and will not be released unless ground to a fine powder or fume from molten glass.

\*A-1 = A confirmed human carcinogen.

\*A-2 = A suspected human carcinogen.

\*A-3 = A confirmed animal carcinogen with unknown relevance to humans.

### SECTION III - PHYSICAL/CHEMICAL CHARACTERISTICS

Boiling Point:	1650-2550°F	Specific gravity:	2.5-3.6g/cm
Vapour pressure (mm hg)	-	Melting point:	1380-1650°F
Vapour density: (Air = 1)	-	Evaporation rate:	N/A
Solubility in water:	Not soluble		
Appearance and Color:	Solid rods/ billets/granules/powder color varies - no odour.		

### SECTION IV - FIRE AND EXPLOSION HAZARD DATA

Flash point:	N/A	LEL:	N/A
Extinguishing Media:	Water, Foam, CO2	UEL:	N/A
Special fire Fighting Procedures:	None		
Unusual Fire and Explosion Hazards:	None		

### SECTION V - REACTIVITY DATA

Stability:	Stable
Conditions to avoid:	Breathing powders and fume when molten.
Incompatibility:	None
Hazardous Decomposition Byproducts:	Metal oxide fume (As, Sb, Ba, Cd, Pb, Se, Fe, Co, F) when molten
Hazardous Polymerization:	Will not occur.

### SECTION VI - HEALTH HAZARD DATA

For cuts from handling bulk products apply first aid as needed. Seek medical attention as required.  
For burns from molted product - seek medical attention as needed depending on the severity of the burns.  
Avoid inhalation of dust and fumes from molten material.

#### *Alumina oxide:*

Routes of entry: Inhalation, Ingestion  
Chronic exposure to dust may cause lung damage

#### *Antimony trioxide:*

Routes of entry: Inhalation of fumes, Ingestion  
Warning: This product contains a chemical known to the state of California to cause cancer. Suspected by ACGIH.  
Ingestion causes irritation to the mouth, nose and stomach. Other symptoms include salivation, cough, metallic taste, nausea, vomiting, bloody, diarrhea, dizziness and muscular pains. Chronic exposure may damage the liver and the heart muscle.  
Inhalation causes irritation to the respiratory tract. Symptoms can include sore throat, cough.  
First aid. Remove victim from the source and seek medical attention from a physician immediately.

#### *Arsenic trioxide:*

Routes of entry: Inhalation of fumes, Ingestion.  
This is considered to be a human carcinogen by ACGIH  
Acute ingestion symptoms include constriction of throat, epigastric pain, vomiting and diarrhea. If severe exposure shock may develop due to fluid loss.  
Chronic ingestion exposure symptoms include weight loss, nausea, loss of hair, diarrhea, peripheral neuritis.  
Acute inhalation symptoms include cough, chest pain, dyspnea, headache, giddiness and general weakness.  
Chronic inhalation includes weakness, loss of appetite, nausea, diarrhea, perforation of nasal septum, skin lesions, peripheral neuritis, motor paralysis.  
First aid: remove victim from source and seek medical attention from Physician immediately.

#### *Barium oxide:*

Routes of entry: Inhalation and Ingestion.  
Ingestion of barium increases muscle contractability, slowed heart rate, vascular constriction, bladder contraction, increased muscle tension.  
Inhalation of dust may cause benign pneumoconiosis. Acute exposure may cause local eye, nose, throat and skin irritation.  
First aid: Remove victim from source and seek medical attention immediately.

#### *Boron oxide:*

Routes of entry: Ingestion, inhalation of fumes.  
When heated decomposition produces toxic fume. Can cause vomiting, diarrhea, shock.  
First aid: Remove victim from source and seek medical attention from physician immediately.

#### *Cadmium oxide/sulphide:*

Routes of entry: Inhalation and Ingestion.  
Cadmium is an OSHA/WISHA regulated cancer causing agent. Causes lung cancer and liver damage.  
Acute inhalation symptoms include slight irritation of upper respiratory tract, followed by cough, sweating, chills. Severe exposure may involve pulmonary irritation, pain in chest, dyspnea, weakness. May develop emphysema.

Chronic exposure may cause lung damage increased risk of lung cancer and kidney damage.  
First aid. Remove victim from source and seek medical attention from a physician immediately.

*Calcium oxide:*

Routes of exposure: Inhalation and Ingestion  
Bronchitis and pneumonia have been reported from inhalation of dust

*Cobalt oxide:*

Routes of entry: Inhalation and Ingestion.  
This is a confirmed animal carcinogen with unknown relevance to humans by ACGIH  
Is not regulated by OSHA as a carcinogen.  
Cobalt dust is irritating to eyes and skin. May cause allergic sensitivity dermatitis. Cross sensitization occurs between cobalt, nickel and chromium. Inhalation of dust may cause asthma like disease with cough and dyspnea. May progress to interstitial pneumonia with fibrosis.  
Ingestion of cobalt causes vomiting, diarrhea, sensations of hotness.  
First aid: Remove victim from source and seek medical attention from physician immediately.

*Cupric oxide:*

Routes of entry: Inhalation and Ingestion.  
Inhalation of the dust causes irritation to respiratory tract, symptoms may include coughing, sore throat, and shortness of breath. When heated may give off copper fume which can cause symptoms similar to the common cold, including chills and stuffiness to the head.  
Ingestion can cause systemic copper poisoning. Symptoms may include capillary damage, headache weak pulse, kidney and liver damage.  
First aid: Remove victim from source and seek medical attention from physician immediately.

*Fluorides:*

Routes of Entry: Inhalation, Ingestion and Skin absorption.  
Acute exposure to fluorine dust, mists or fumes may cause irritation to the eyes, skin, mucous membranes and lungs. When heated to decomposition emits toxic fumes of fluoride.  
Chronic exposure to fume, mist, and dust may cause nosebleeds, pulmonary edema bronchospasm.  
Ingestion of fluorides may cause nausea, vomiting, abdominal cramps and diarrhea.  
First aid: Remove victim from source and seek medical attention from physician immediately .

*Iron oxide:*

Routes of Exposure: Ingestion and Inhalation  
Inhalation of iron fumes may cause a benign pneumoconiosis.

*Lead oxide:*

Routes of Entry: Ingestion and Inhalation  
Acute exposure can cause lead encephalopathy seizures, coma and death.  
Chronic exposure may cause damage to male and female reproductive organs. Signs of exposure include loss of appetite, abdominal pain, headaches, nausea, joint pain, insomnia, fatigue. May also cause damage to central nervous system. May cause kidney damage without any symptomology. May disrupt blood forming causing anemia.  
First aid: Remove victim from source and seek medical attention from physician immediately.

*Manganese oxide:*

Routes of Entry: Ingestion and Inhalation  
Inhalation can cause a flu-like illness (metal fume fever) This 24-48 hour illness is characterized by chills, fever, dryness in the mouth and throat and headache.  
Ingestion may cause abdominal pain and nausea.  
First aid: Remove victim from source and seek medical attention from physician immediately.

*Nickel oxide:*

Routes of entry: Inhalation and Ingestion  
Skin sensitization frequently occurs with exposure to nickel and nickel compounds resulting in eczema.  
Acute exposure may cause irritation of the conjunctive and mucous membrane of the upper respiratory tract.  
First aid: Remove victim from source and seek medical attention from physician immediately.

*Selenium:*

Routes of Entry: Ingestion and Inhalation  
Some compounds of selenium are strong irritants to upper respiratory tract and the eyes. Is capable of antagonizing toxic effects of other metals, such as As and Cd  
Inhalation of fumes may cause irritation of the nose, eye, upper respiratory tract and tightness of the chest. Severe exposure may cause pulmonary edema. May have garlic odor in breath, metallic taste in mouth, pallor, lassitude, giddiness.  
First aid: Remove victim from source and seek medical attention from physician immediately.

*Silica oxide:*

Route of entry: Inhalation  
Chronic exposure can cause silicosis, a restrictive pulmonary fibrosis disease.

**Uranium oxide:**

Routes of Entry: Ingestion and Inhalation

Uranium compounds emit weakly radioactive alpha particles which cannot pass through the skin but can enter the body through inhalation or ingestion as dust. Avoid inhalation of fine dust. Systemic poisoning signs are nausea vomiting and diarrhea.

First aid: Remove victim from source and seek medical attention from physician immediately.

**Zinc oxide:**

Routes of entry: Inhalation and Ingestion.

Acute exposure to fumes may cause "metal fume fever", manifested by chills, fever, chest tightness, cough, dyspnea, fatigue and joint pain.

First aid: Remove victim from source and provide fresh air. Fume fever will last 24-48 hours.

**SECTION VII - PRECAUTIONS FOR SAFE HANDLING AND USE**

Steps to be taken in case of spill: Sweep up broken glass-vacuum area. In case of spill of powder should use HEPA filter on vacuum, wet wash, wipe area.

Waste disposal method: General refuse

Precautions to be taken in handling and storing: Product should be stored in stable location to prevent breakage or spillage.

Other precautions: Molten products should be handled with due caution by trained individuals.

**SECTION VIII - CONTROL MEASURES**

Respiratory protection: When grinding or handling powders or fine frit or working around molten products should use NIOSH approved respirator with P-100 filters.

Ventilation: Local exhaust when grinding or working with molten product.

Protective gloves: As needed for cuts or burns as conditions warrant.

Eye Protection: Recommended when grinding, breaking rod or working with molten product.

Other protective equipment: Aprons or protective overalls recommended when handling bulk powders.

Work/Hygenic Practices: Wash hands and face after handling bulk products or powder before eating, smoking or drinking.

**Continue**

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- [Technical](#)
- [Gaffer Batch](#)
- [Backorders](#)
- [Environmental & Sustainable Development](#)

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**My Account**

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**ADHESIVES / ABRASIVES / ETCHING MATERIALS**

Aluminum Oxide Dressing Stick  
A-1100 Amino Silane  
ATTACK Epoxy Solvant  
Ceri-Tec Cerium Oxide  
Cer-Optic Cerium Oxide  
HXTAL NYL-1 Epoxy  
Liquid Luster Sandblast Coating  
Pumice Loose Abrasive  
Silicon Carbide Loose Abrasive  
Superox 100-T Cerium Oxide  
Vari-Etch Frosting Cream  
Vari-Etch Frosting Powder  
Stacking Wax  
XTR-311 Epoxy

Web link to MSDS sheets for materials listed above:

<https://www.hisglassworks.com/support/product-safety-data-sheets.html>

CITY OF SAND CITY

RESOLUTION SC \_\_\_\_\_, 2020

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY APPROVING  
CONDITIONAL USE PERMIT 641 FOR MONTEREY GLASSWORKS  
AUTHORIZING A GLASSBLOWING WORKSHOP, DESIGN STUDIO, AND  
SHOWROOM WITH ACCESSORY OFFICE AND STORAGE WITHIN THE  
COMMERCIAL UNIT AT 801-B CALIFORNIA AVENUE**

**WHEREAS**, Al Sambar and Nathan Sambar of Monterey Glassworks (the "Applicant") submitted an application to the City of Sand City (the "City") for conditional use permit approval to establish a glassblowing workshop and design studio with showroom and accessory office and storage (the "Applicant's Use") within an approximate 3,000 square foot portion of an existing commercial building at 801-B California Avenue (APN 011-186-020) in Sand City (the "Subject Property"); and

**WHEREAS**, the Applicant's Use of the Subject Property, at the scale and intensity described, is considered consistent with the non-coastal "Manufacturing" (M) zoning designation of the Subject Property and, with the appropriate mitigation required, compatible with neighboring mixed-use developed and zoned properties of the West End and South of Tioga planning districts, as defined by the City's General Plan and Zoning Ordinance; and

**WHEREAS**, based upon information provided by the Applicant regarding the description of equipment used and type of activities to be conducted, at the scope/scale described by the Applicant, the Applicant's Use is not anticipated to generate excessive noise or vibration and or pose a nuisance to existing or future nearby residential dwellings, where if unexpected negative impacts do occur, the Permit conditions provide the City the means to reasonably address/mitigate such issues if/when they arise; and

**WHEREAS**, due to the relatively quiet non-obtrusive manufacturing activity of the glass blowing and production process, in addition to the masonry construction of the building, the operational weekday production hours of 7:00 a.m. to 9:00 p.m. is acceptable as the Applicant's Use is not anticipated to produce excessive noise or vibration; and furthermore, permit conditions enable the City to further limit operational hours as mitigation if such negative impacts do occur during evening, night, and/or early morning weekday hours or on weekends; and

**WHEREAS**, glassblowing classes of up to eight (8) students at any one time on the Subject Property, between the hours of 4:00 p.m. to 8:00 p.m. on weekdays and between 10:00 a.m. to 5:00 p.m. on Saturdays, are not anticipated to pose a public nuisance within a mixed-use neighborhood in terms of noise and parking impacts to nearby residential (existing and future) dwelling units; and

**WHEREAS**, safety measures and equipment will be implemented/installed on the Subject Property to include ventilation hoods and fire sprinklers in the furnace areas and

maintaining an emergency shower and eye-washing station within the unit; and

**WHEREAS**, all glass and other materials to be used and/or stored on the Subject Property that are classified as hazardous materials or otherwise contain hazardous substances, will be of a type and quantity not anticipated to pose a threat to general public health, safety, and welfare provided these substances/materials are handled appropriately by the Applicant in accordance with the Material Safety Data Sheet (“MSDS”) specifications for those materials and the Applicant complies with all applicable requirements of the Monterey County Health Department and the City’s Fire Department; and

**WHEREAS**, The Applicant is required to maintain Material Safety Data Sheets (“MSDS”) on-site for all materials/substances considered to be hazardous that are used and/or stored on the Subject Property, in addition to the Applicant’s Use being subject to all regulations and requirements of the Monterey County Health Department and the City’s Fire Department; and

**WHEREAS**, the Monterey County Health Department and the City’s contracted fire department were both provided detailed information in regard to the Applicant’s Use as part of the distributed advisory agency notice for this Applicant, and conditions were included in the entitlement permit that requires the Applicant to contact and work with these agencies and also enables these departments/agencies to implement applicable requirements to the Applicant’s use to ensure public health and safety; and

**WHEREAS**, the Subject Property provides sufficient on-site parking to satisfy the minimum parking requirements of the Sand City Municipal Code (section 18.64.050.K) for the Applicant’s Use in conjunction with tenants of the adjoining units of the commercial building on the Subject Property; and

**WHEREAS**, large truck-trailer delivery/shipments for loading/unloading activities related to the Applicant’s Use is appropriately mitigated as to prevent the parking of such vehicles and the Applicant’s loading/unloading activities at the Subject Property from imposing a routine obstruction, impediment, and/or interference with public traffic along California Avenue, a primary City collector street, or other public rights-of-way; and

**WHEREAS**, the Subject Property and Applicant’s Unit have water credit based upon a Monterey Peninsula Water Management District (MPWMD) Group I classification, which is the same as the Applicant’s Use; and therefore, no further water allocation for the Applicant’s Use of the Subject Property is deemed necessary; and

**WHEREAS**, the Applicant’s Use within an existing commercial building qualifies as a Categorical Exemption under CEQA (California Environmental Quality Act) Guidelines, Section 15301; and

**WHEREAS**, the City Council of the City of Sand City, on \_\_\_\_\_, 2020, has found and determined that the proposed glass blowing workshop, design studio, and showroom with accessory office and storage, as identified by the Applicant and appropriately conditioned,

will not adversely impact the character of the surrounding neighborhood, nor be injurious or detrimental to adjoining properties or the rights of the owners therein, and Conditional Use Permit 641 shall be granted upon the conditions hereinafter set forth; and

**WHEREAS**, the City Council of the City of Sand City has accepted the analysis and findings for approving Conditional Use Permit 641 (hereinafter "CUP 641") as outlined in the City staff report, dated June 15, 2020.

1. CUP 641 is not valid, and the Applicant's Use of the Subject Property shall not commence unless and until two copies of this Resolution/Permit, signed by the permittee and the Subject Property's owner, acknowledging receipt of the Permit and acceptance of the terms and conditions, is returned to the City's Planning Department. Failure to return said signed/executed document may be grounds for City termination of CUP 641.
2. Purpose: CUP 641 is for the express purpose of authorizing, at the scope and scale described in the Applicant's application, a glass blowing workshop, design studio, showroom for display and sales, office, material and product storage, and glass blowing classes within an approximate 3,000 square foot commercial unit of an existing commercial building at 801-B California Avenue (portion of APN 011-186-020); subject to the terms and conditions specified in CUP 641. Residential occupancy of the Applicant's unit on the Subject Property is prohibited. There shall be no expansion to the scope or intensity of the Applicant's Use beyond that as authorized by CUP 641 without either an amendment of said Permit or the issuance of a new land use entitlement permit by the City.
3. Hours of Operation: Glassblowing and other manufacturing activities on the Subject Property shall only occur between the hours of 7:00 a.m. to 9:00 p.m. Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays, and such activities are prohibited on Sundays. All loading/unloading and shipments/deliveries for the Applicant's Use on the Subject Property shall only occur between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays. If the Applicant's Use presents detrimental noise and/or vibration impacts to nearby dwelling units during evening, night, and/or early morning hours, the City may then further restrict operational hours as deemed appropriate to mitigate such impact(s). Office and/or janitorial activities on-site by the Applicant may extend beyond the aforementioned hours/days provided that the Applicant's unit is not open to the public.
4. On-Site Classes: Glassblowing and production classes on the Subject Property shall be limited to no more than eight (8) individual students on the Subject Property at any one time, whether that be a single class or multiple smaller class groups. Class sizes may be further reduced at the discretion of the City's building official and/or Fire Department. Classes shall only occur between the hours of 4:00 p.m. to 8:00 p.m. Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturdays with no classes on Sundays. All individual and group classes shall be under constant professional and experienced glassblowing supervision with appropriate emergency training.



5. On-Site Parking: A minimum of four (4) perpendicular on-site parking spaces, along the building's California Avenue frontage, shall be maintained on the Subject Property for the Applicant's Use. On-site parking spaces shall not be used for any purpose that impedes vehicle parking, with exception of on-site loading/unloading activities. It shall be the responsibility of the Subject Property' owner to maintain these spaces for the Applicant and manage parking allocation between tenants provided zoning and CUP 641 requirements are satisfied. Failure to maintain these spaces for vehicle parking shall be sufficient reason for the City to terminate CUP 641. Double parking or large truck parking that encroaches into the public right-of-way by the Applicant's Use in front of the building is prohibited. The Applicant is prohibited from parking any trailers and non-operational vehicles on the Subject Property.
6. Truck & Trailer Street Parking: In accordance with City Municipal Code Chapter 10.08, the Applicant shall not park or store trucks, trailers, or other large vehicles, as listed in said Chapter 10.08, within any City street at any time unless actively involved with loading/unloading or otherwise has a valid City issued annual parking permit. Violation of this condition may result in the issuance of citations in accordance with City Municipal Code Chapter 10.08.
7. Loading/Unloading: All deliveries/shipments and/or loading/unloading of any item associated with the Applicant's Use at the Subject Property shall only occur during Permit authorized hours of operation (see Condition No. 3 "Hours of Operation"). Trailer-truck (i.e. 18-wheelers, semi-trucks) deliveries to the Subject Property are limited to no more than once per month unless otherwise granted special written permission by the City. At no time shall loading/unloading activities, associated with the Applicant's Use impede 2-way traffic circulation on California Avenue or any other public right-of-way within Sand City. Short term (approximately 5-minute) loading/unloading via private shipment companies (i.e. Federal Express, UPS, etc.) is exempt and allowed, provided such action does not impede traffic circulation of public streets.
8. Manufacturing: All manufacturing and/or all other activities conducted by the Applicant's Use at the Subject Property shall be maintained within the Applicant's unit at all times and shall not utilize the Subject Property's parking area or any public rights-of-way. If activities from the Applicant's Use (i.e. production, classes, etc.) generate noise audible from the street in front of the building or otherwise produces excessive particulate and/or noxious fumes/odors, then the roll-up door of the Applicant's Unit shall be closed. If the Applicant utilizes and maintains an air compressor on the Subject Property, said compressor shall be maintained within the building at all times and be electric powered and not gas/fuel powered. During non-operational hours (see Condition No. 3), said air compressor shall be turned off to prevent automatic re-pressurization during those non-operational hours.
9. Safety Precautions: The Applicant shall install ventilation "fume hoods" in the furnace areas of the Applicant's unit in compliance with applicable Building, Fire, and Health Codes. Any venting of gasses beyond the confines of the Applicant's Unit shall be subject to the regulations and requirements of the Monterey Bay Air Resources District. Fire sprinklers shall be installed in furnace areas in accordance with the

requirements and specifications of the City's Fire Department. The Applicant shall maintain an emergency shower and eye-washing station within the Applicant's unit.

10. Storage: All materials, parts, tools, equipment, packaging, pallets, and/or any other item associated and/or manufactured by this operation stored on the Subject Property, shall only be stored within the Applicant's unit and are prohibited from being stored on the Subject Property beyond the confines of the Applicant's unit and building. Any materials stored/used on-site, that may pose a hazard, shall comply with all requirements of the Monterey County Health Department, the City's Fire Department, and/or the City's code enforcement officer. The placement of a self-contained portable storage unit on-site, beyond the confines of the building, is hereby prohibited; and the need of the Applicant to do so shall be considered by the City as justification that this operation has expanded beyond the Subject Property's ability to sufficiently accommodate the Applicant's operation; and thus be sufficient reason for the City to terminate CUP 641.
11. Property Maintenance: The Subject Property shall be maintained in a clean, orderly, weed-free, and litter-free condition. There shall be no storage of waste material or debris on-site, except as otherwise allowed by CUP 641. The Applicant and/or the Subject Property's owner shall be responsible for maintenance and upkeep of the Applicant's leased area of the Subject Property for the duration of the Applicant's Use at the Subject Property as authorized by CUP 641.
12. Signs: Commercial signs on the exterior of the building or anywhere on the Subject Property, identifying the Applicant's Use, shall be reviewed and approved by the Sand City Design Review Committee (the "DRC") in the issuance of a sign permit prior to the establishment of any sign such at the Subject Property. Signs attached to the building shall also obtain a City building permit prior to installation of said sign. The Applicant shall not place any free-standing sign anywhere within City limits without City Planning Department approval.
13. General Waste: Trash, litter, boxes, crates, pallets, debris, or other used and/or discarded materials generated/used by the Applicant's Use shall be stored in an appropriate waste collection bin or dumpster. Except on a designated trash collection day, said bin(s) or dumpster(s) shall be maintained either within the building or within a City approved enclosure on the Subject Property. An enclosure may be established on the Subject Property only after approval by the City's Planning Department. The Applicant shall work and coordinate with the City's franchised waste hauler to implement material recycling and recovery as part of this operation's regular routine when feasible.
14. Hazardous Waste: Any and all hazardous materials and/or hazardous waste used/generated by the Applicant's Use, in addition to any compressed gas or other fuel source(s) that power furnaces/kilns on-site, shall be legally stored and disposed of in accordance with the regulations of the City, the County of Monterey, and the State of California. The Applicant shall maintain Material Safety Data Sheets ("MSDS") on the Subject Property for all hazardous materials/substances used and/or

maintained on-site. The Applicant shall concede to any direction of the City's Fire Department, City Code Enforcement Officer(s), and/or the Monterey County Health Department regarding the storage and/or handling of hazardous materials on the Subject Property. The Applicant shall contact, coordinate, and comply with the agents/inspectors of the Monterey County Health Department's Hazardous Materials Management Services program. Any illegal material storage, dumping, and/or disposal shall be sufficient grounds for City termination of CUP 641.

15. Water Runoff: The Applicant's Use shall not create water run-off within the City in accordance with Chapter 13.05 of the Sand City Municipal Code regarding Storm Water Management. There shall be no washing of vehicles on the Subject Property.
16. Water: Issuance of CUP 641 does not grant the Applicant and/or Subject Property's owner any right or privilege to any allocation of water from the City of Sand City or other entity. The Applicant's Use shall be limited to that water credit available to the Subject Property, in accordance with the regulations of the Monterey Peninsula Water Management District (MPWMD).
17. Local/Regional Compliance: All requirements of the City's contracted Building and Fire Departments, the City Engineer, the City Police Department, the Sand City Code Enforcement officer(s), the Seaside County Sanitation District, Monterey One Water (formerly 'Monterey Regional Water Pollution Control Agency'), and Monterey County Health Department, that are applicable to the Applicant's Use shall be implemented to the satisfaction of each department and inspector thereof.
18. Air District: The Applicant shall be responsible for complying with all applicable regulations of the Monterey Bay Air Resources District. Failure to comply shall be sufficient grounds for City termination of CUP 641.
19. Fire Department: The Applicant and/or the Subject Property's owner shall coordinate with the City's contracted Fire Department to ensure that all applicable Fire Code requirements are implemented prior to the Applicant commencing operation at the Subject Property. The Applicant's Use of the Subject Property, as authorized by CUP 641, must conform to storage and operational requirements specified in the California Fire Code and to the satisfaction of the City's Fire Department inspector. The Subject Property shall be available and open for Fire Department and/or City code enforcement safety inspections. Failure to comply with Fire Inspector and/or code enforcement requirements may be sufficient grounds for City issuance of a 'Cease and Desist' order for closure of the Applicant's Use and/or City termination of CUP 641.
20. Nuisance: The Applicant's Use of the Subject Property shall be conducted as to not constitute a nuisance to surrounding units and/or properties or the occupants thereof. The Applicant shall be considered responsible for the impacts created by the Applicant's Use and activities. The Applicant shall implement all mitigation necessary to inhibit any noise, vibration, particulate, odors, overflow parking, and/or other negative impact(s) that this operation may or will generate. Any mitigation to abate negative impacts of the Applicant's Use, as directed by the City, shall be implemented

by the Applicant to the City's satisfaction as to effectively mitigate such negative impacts. If the City Council finds at any time that any use of the Subject Property constitutes a nuisance, or is otherwise detrimental to the neighborhood or to the community, such use shall be discontinued or modified as may be required by the City. Failure to effectively implement mitigation required by this Permit, or other direction/notification by the City deemed necessary to abate negative impacts generated by the Applicant's Use, may be adequate grounds for the City to amend or terminate CUP 641. Failure to comply with such City direction may result in the amendment or revocation of CUP 641.

21. Violation/Termination: If the City determines that any term or condition of CUP 641 has been violated, and/or use of the Subject Property constitutes a nuisance or is otherwise detrimental to the neighborhood or the community, written notice shall be issued to the Applicant, that if such violation is not corrected or removed within a specified time, a public hearing may then be scheduled where the City Council may consider amending or revoking CUP 641 and may then order said Permit amended or revoked. The Applicant and the Subject Property's owner/manager shall be notified of any such public hearing, and provided an opportunity to address the City Council prior to any action by the City Council to amend or terminate CUP 641.
22. Interpretation: Any question of intent or interpretation regarding any condition within CUP 641 shall be resolved by the City's Planning Department.
23. The issuance of CUP 641 shall not supersede or override any requirement of any other City, County, State, or Federal agency.
24. Indemnification: To the extent permitted by law, the Applicant and Property Owner shall indemnify and hold harmless the City, its City Council, its officers, employees, consultants, and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties, the Applicant, and/or Property Owner in connection with this Permit, including but not limited to any such action to attack, set aside, or void, any permit or approval authorized hereby, including (without limitation) reimbursing the City for its actual attorney's fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.
25. Business License: The Applicant shall acquire, maintain, and annually renew a Sand City business license for the duration of the Applicant's Use within Sand City. Failure to maintain a current City business license may be sufficient grounds for termination of CUP 641.

**PASSED AND ADOPTED** by the City Council of Sand City this \_\_\_ day of July, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Connie Horca, Acting City Clerk

\_\_\_\_\_  
Mary Ann Carbone, Mayor

This is to certify that the Conditional Use Permit (CUP) 641 contains the conditions specified by the City Council in approving said Permit.

\_\_\_\_\_  
Charles Pooler, City Planner

**APPLICANT ACCEPTANCE (CUP 641)**

The Conditional Use Permit is hereby accepted upon the express terms and conditions hereof, and the undersigned agrees to strictly conform to and comply with each and all of the said terms and conditions therein.

DATED: \_\_\_\_\_

BY: \_\_\_\_\_  
**Applicant**

**CONSENT OF OWNER (CUP 641)**

Consent is hereby granted to the permittee to carry out the terms and conditions of the Conditional Use Permit.

DATED: \_\_\_\_\_

BY: \_\_\_\_\_  
**Property Owner**

**AGENDA ITEM**

**6B**



# City of Sand City

Agenda  
Item  
**6B**

## Staff Report

**TO:** Honorable Mayor and City Council Members  
**FROM:** Aaron Blair, City Manager; Vibeke Norgaard, City Attorney  
**DATE:** July 14, 2020 (For July 21 City Council Meeting)  
**SUBJECT:** Transactions and Use Tax Ordinance

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### Discussion/Background:

On July 7, 2020, the City Council introduced and conducted a first reading of the General Purpose Transaction & Use Tax Ordinance.

Under state law, cities may impose transaction and use taxes at a rate of 0.125%, or a multiple of that amount, of retailers' gross receipts from the sale of tangible personal property. (Rev. & Tax Code section 7285.9, 7285.92). The combined rate of sales and transaction and use taxes at the local/county level may not exceed 2%. (Rev. & Tax Code section 7251.1).

Currently the transaction and use tax in Sand City is 1.0%. The proposed ordinance would raise it to 1.5%. The current Sand City sales tax rate is 8.75%. This includes the Statewide rate of 7.25%, City of Sand City's Measure J rate of 1.00%, Transportation Agency for Monterey County rate of 0.375%, and Monterey-Salinas Transit rate of 0.125%. The State of California statutorily limits sales tax at the local/county level to no more than 2.00%, except where allowed by the State legislature. A City of Sand City General Sales Tax increase of 0.50% in November 2020 would bring the City to the maximum sales tax allowed under state law (9.25%).

The tax proposed is a general tax --- imposed to raise general-purpose revenues. The City may use revenues from a general tax for any lawful public purpose.

The new revenue source is necessary because the City's finances have grown ever more constrained with a projected \$800,024 loss of revenues for the fiscal year 2019/2020. In fiscal year 2020/2021 the City is facing a projected loss of \$247,729 bringing the total projected revenue loss due to the impact of COVID-19 to just over a million dollars.

All neighboring peninsula cities are currently at the 9.25% tax rate, with the exception of the City of Pacific Grove, which is in the process of considering increasing its rate. Sand

City's transaction & use tax is currently at least ½% lower than that of all the other cities on the peninsula.

The City Attorney has prepared the enclosed Transactions and Use Tax Ordinance. After the second reading – if the ordinance is approved – the resolution which authorizes the placement of Measure K on the November 2, 2020 ballot will be considered. The measure will then be placed on the ballot for a scheduled vote of the people and will only go into effect if a majority of voters approve it.

The ordinance proposing the tax must be approved by a two-thirds vote of all members of the City Council.

**CEQA:**

This General Purpose Transactions and Use Tax is a general tax that can be used for any legitimate governmental purpose, the revenues from which are not committed to any particular action. As such, under CEQA Guidelines 153789(b)(4) and 15060(c)(2) & (3) the tax is not a project within the meaning of CEQA because it creates a governmental funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. (Public Resources Code Sections 21000 et seq, "CEQA", and 14 Cal. Code Reg. Sections 15000 et seq, "CEQA Guidelines"). If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines 15060, review of this ordinance under CEQA is not required.

**Fiscal Impact:**

It is anticipated that if the measure passes, it will produce approximately \$1,000,000. However, in FY 20-21, Sand City will receive only about three months of the revenue after the implementation of the ballot measure. The measure would add approximately \$250,000 for the 20/21 fiscal year.

**Recommendation:**

It is recommended that the City Council adopt the Transactions and Use Tax Ordinance

- i) Motion to waive full reading and read the attached Ordinance by title only.
- ii) Motion to adopt the Ordinance.

**Exhibits:**

Exhibit A: Transaction and Use Tax Ordinance



**CITY OF SAND CITY**

**ORDINANCE NO. \_\_\_\_, 2020**

**AN ORDINANCE OF THE CITY OF SAND CITY REPLACING THE EXISTING GENERAL PURPOSE TRANSACTIONS AND USE TAX AT A RATE OF ONE PERCENT WITH A GENERAL PURPOSE TRANSACTIONS AND USE TAX AT A RATE OF ONE AND ONE-HALF PERCENT, TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION, SUBJECT TO ADOPTION BY THE ELECTORATE**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAND CITY:**

**SECTION 1. FINDINGS.**

A. On November 2, 2004, the voters of the City of Sand City adopted a General Purpose Transactions and Use Tax with a rate of one-half of one percent.

B. On November 4, 2014, the voters of the City of Sand City adopted a General Purpose Transactions and Use Tax with a rate of one percent.

C. The depressed economic times due to the coronavirus pandemic has resulted in a decline in revenues available for use in the City and a crucial immediate need for revenue, jeopardizing the community's essential services.

D. Without additional revenue the City cannot maintain the quality of local services due to insufficient revenue.

E. All funds from a local transactions and use tax must stay in the City of Sand City and cannot be taken by the State.

F. This General Purpose Transactions and Use Tax is a general tax and must be approved by at least a simple majority of affirmative votes of the qualified voters of Sand City at an election to be held on November 3, 2020 to become effective.

**SECTION 2. AMENDMENT OF SAND CITY MUNICIPAL CODE.** Chapter 3.36 "General Purpose Transactions and Use Tax" of the Sand City Municipal Code is hereby amended to read in its entirety as follows:

**"Section 3.36.010 Title.** This ordinance shall be known as the City of Sand City General Purpose Transactions and Use Tax Ordinance. The City of Sand City hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

**Section 3.36.020 Operative Date.** "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the effective date, being the date this ordinance is approved by the voters as set forth below. The operative date is anticipated to be April 1, 2021.

**Section 3.36.030 Purpose.** This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

**Section 3.36.040 Contract with State.** Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

**Section 3.36.050 Transactions Tax Rate.** For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 1.5% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

**Section 3.36.060 Place of Sale.** For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

**Section 3.36.070 Use Tax Rate.** An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of 1.5% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

**Section 3.36.080 Adoption of Provisions of State Law.** Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

**Section 3.36.090 Limitations on Adoption of State Law and Collections of Use Taxes.** In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefore. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by

the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

**Section 3.36.100 Permit not Required.** If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

**Section 3.36.110 Exemptions and Exclusions.**

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

**Section 3.36.120 Amendments.** All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

**Section 3.36.130 Enjoining Collection Prohibited.** No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

**Section 3.36.140 Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**Section 3.36.150 Effective Date.** This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately if the tax is imposed by a simple majority of the voters voting on the question at the November 3, 2020 election..”

**SECTION 3. REPEAL OF EXISTING GENERAL PURPOSE TRANSACTIONS AND USE TAX.** The existing one percent General Purpose Transaction and Use Tax will not be repealed by this Ordinance unless this Ordinance is approved by a simple majority of the affirmative votes of the qualified voters of Sand City at the election to be held on November 3, 2020. If this Ordinance is approved by a simple majority of the affirmative votes of the qualified voters of Sand City at the election to be held November 3, 2020, the existing one percent General Purpose Transaction and Use Tax will be repealed effective on the Operative Date set forth in SECTION 2 (Section 3.36.020) of this Ordinance.

**SECTION 4. CEQA DETERMINATION.** This General Purpose Transactions and Use Tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose, the revenues from which are not committed to any particular action. As such, under CEQA Guidelines 15378(b)(4) and 15060(c)(2) & (3) the tax is not a project within the meaning of CEQA because it creates a governmental funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. (Public Resources Code Sections 21000 et seq, "CEQA", and 14 Cal. Code Reg. Sections 15000 et seq, "CEQA Guidelines"). If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines 15060, review of this ordinance under CEQA is not required.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Sand City held on this \_\_\_\_ day of July, 2020 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

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Mary Ann Carbone, Mayor

ATTEST:

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Connie Horca, Acting City Clerk

**APPROVED** by the following vote of the people on November 3, 2020:

Yes:           No:     

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Connie Horca, Acting City Clerk



**AGENDA ITEM**

**7A**



# City of Sand City

Agenda  
Item

7A

## Staff Report

**TO:** Honorable Mayor and City Council Members  
**FROM:** Aaron Blair, City Manager; Vibeke Norgaard, City Attorney  
**DATE:** July 15, 2020 (For July 21, 2020 City Council Meeting)  
**SUBJECT:** Placement on the November 3, 2020 ballot of a measure to increase the general-purpose transactions and use tax.

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### Discussion/Background:

On July 7, 2020, the City Council conducted a first reading of a General Purpose Transactions and Use Tax ordinance to increase the transaction and use tax in Sand City from 1 percent to 1.5 percent ("TUT Ordinance"). If the TUT Ordinance is approved by the City Council on July 21, 2020, in order to submit the ordinance to voters at the November 3, 2020 election, the Council is required to pass a resolution to do so.

The resolution being considered here is a resolution to do the following:

- Approving the placement of the General Purpose Transactions and Use Tax measure on the November 3, 2020 ballot;
- Approving the language of the measure;
- Requesting that the Monterey County Elections Department provide all necessary assistance -- such as consolidating the election on the ballot measure with the general election on November 3, 2020, and billing the costs associated with the election to the City;
- Directing the City Clerk to take all necessary actions such as to publish the measure;
- Directing the City Attorney to prepare an impartial analysis on the measure outlining the effect and operation of the measure to be transmitted to the City Clerk and the Elections Department;
- Authorizing the City Council to prepare and sign a written argument in favor of the measure. The Council considered the argument at the July 7, 2020 City Council meeting.

Upon adoption of the resolution, staff will coordinate with the County of Monterey to submit the measure and undertake other necessary actions related to the forthcoming election such as submitting the City Attorney's impartial analysis to the County, and public noticing as required by the California Elections Code.

**CEQA:**

This General Purpose Transactions and Use Tax is a general tax that can be used for any legitimate governmental purpose, the revenues from which are not committed to any particular action. As such, under CEQA Guidelines 15378(b)(4) and 15060(c)(2) & (3) consideration of placing the tax measure on the ballot is not a project within the meaning of CEQA because it creates a governmental funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. (Public Resources Code Sections 21000 et seq, "CEQA", and 14 Cal. Code Reg. Sections 15000 et seq, "CEQA Guidelines"). If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines 15060, review of this ordinance under CEQA is not required.

**Fiscal Impact:**

It is anticipated that if the measure passes, it will produce approximately \$1,000,000 annually. However, in FY 20-21, Sand City will receive only about three months of the revenue after the implementation of the ballot measure. The measure would add approximately \$250,000 for the 20/21 fiscal year. The measure has no sunset clause.

**Recommendation:**

It is recommended that the City Council vote to adopt the resolution attached hereto marked Exhibit "A."

**CITY OF SAND CITY  
RESOLUTION SC \_\_\_\_\_, 2020**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAND CITY  
APPROVING PLACEMENT ON THE NOVEMBER 3, 2020 BALLOT OF A  
MEASURE TO INCREASE SAND CITY'S GENERAL PURPOSE  
TRANSACTIONS AND USE TAX TO ONE AND ONE-HALF PERCENT (1.5%);  
REQUESTING THAT THE MONTEREY COUNTY ELECTION DEPARTMENT  
CONSOLIDATE THE ELECTION REGARDING THE MEASURE WITH THE  
NOVEMBER 3, 2020 GENERAL ELECTION AND PROVIDE NECESSARY  
ASSISTANCE AND SERVICES; AUTHORIZING ARGUMENT; DIRECTING  
THE CITY CLERK TO TAKE ALL NECESSARY ACTIONS TO ENSURE  
PLACEMENT OF THE ORDINANCE ON THE NOVEMBER 3, 2020 BALLOT;  
AND DIRECTING THE CITY ATTORNEY TO PREPARE AND SUBMIT AN  
IMPARTIAL ANALYSIS**

**WHEREAS**, the City of Sand City ("City") has experienced significant reductions in revenues due to the coronavirus pandemic (COVID-19); and

**WHEREAS**, the City Council has made reductions to the City's operating budget; and

**WHEREAS**, the City faces a continuing deficit in its general fund budget that will significantly impair the City's ability to maintain adequate City services, including the maintenance and repair of City facilities; and

**WHEREAS**, the City is dependent on property taxes and taxes derived from retail sales for the majority of its revenue; and

**WHEREAS**, State law authorizes the City to levy a transactions and use tax to be used for general City purposes, in addition to the existing sales and use tax, if approved by a majority of voters voting in an election on the issue; and

**WHEREAS**, the City previously levied a transactions and use tax with a rate of one percent in 2014; and

**WHEREAS**, State law authorizes the City to increase the rate of its transactions and use tax by an ordinance adopted by two thirds of the members of the City Council and approved by a majority of the qualified voters of the City voting in an election on the issue; and

**WHEREAS**, the City Council has acted by unanimous vote to adopt the ordinance attached hereto marked Exhibit "A" which if approved by the electorate will increase the rate of the Sand City General Purpose Transactions and Use Tax from one percent (1%) to one and one-half percent (1.5%); and

**WHEREAS**, a General Municipal Election on Tuesday, November 3, 2020 has been called by prior Resolution of the City Council.

**NOW, THEREFORE**, the City Council of the City of Sand City does hereby resolve as follows:

1. Pursuant to California Constitution Article XIII C, California Government Code §§53723 and 53724, California Revenue and Taxation Code §7285.9, and California Elections Code §9222, the City Council of the City of Sand City hereby submits to the qualified voters of the City a measure that if approved would increase the rate of a general purpose transactions and use tax as proposed in Section 3 of this Resolution. The election has been called by prior Resolution of the City Council and shall be held in the City on November 3, 2020.

2. Ballot Language.

The question to be presented to the voters shall be as follows:

“Shall an ordinance be adopted to increase the rate of a transactions and use tax from one percent (1%) to one and one-half percent (1.5%) on the retail sale of goods in Sand City to generate an estimated \$1,000,000 per year with no termination date to be used to provide general City services?”

The question requires the approval of a majority of qualified electors casting votes.

3. Proposed Ordinance.

The ordinance authorizing the general tax to be approved by the voters is set forth in Exhibit A attached hereto and by this reference incorporated herein. The City Council hereby approves the ordinance, the form thereof, and its submission to the voters of the City at the November 3, 2020 election as required by Revenue and Taxation Code section 7285.9.

4. Request to Consolidate, Conduct Election and Canvass Returns.

The City Council requests that the Monterey County Elections Department provide assistance and services necessary to consolidate the election on this ballot measure with the general election to be held on November 3, 2020. Said election has previously been consolidated with any other election to be held totally or partially within the boundaries of this City by City Council Resolution No. SC 20-25, 2020, the provisions of which regarding polling place, canvass of vote and billing the City for the costs associated with the City election are incorporated by reference herein.

5. Publication of Measure.

The City Clerk shall cause a synopsis of the measure to be published once in accordance with California Elections Code section 12111.

6. Submission of Ballot Arguments.

The last day for submission of arguments for or against the measure shall be 5:00 p.m. on August 7, 2020. The direct arguments shall not exceed three hundred (300) words, and shall not be signed by more than five (5) persons. The City Council has not adopted the provisions of Elections Code section 9285(a) and therefore there shall be no rebuttal arguments. All submittals of arguments shall be made to the City Clerk in a timely manner.

7. Council Preparation of Arguments in Support of Measure.

Pursuant to California Elections Code section 9282, the City Council is hereby authorized to prepare the written argument in favor of the proposed measure, not to exceed three hundred (300) words. The argument may be signed by such members of the City Council that wish to do so.

8. Impartial Analysis by City Attorney.

Pursuant to California Elections Code section 9280, the City Clerk is directed to transmit a certified copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed five hundred (500) words in length, outlining the effect and operation of the measure, and transmit that impartial analysis to the City Clerk and Elections Department on or before August 13, 2020.

9. Implementation.

The City Manager and City Clerk are authorized and directed on behalf of the City to take all actions necessary to place the measure on the ballot and to cause the ordinance or measure to be printed, including but not limited to executing documents and appropriating necessary funds to pay the City's costs of placing the measure on the ballot. The City will reimburse Monterey County for the actual cost incurred in conducting the election upon receipt of a bill detailing those costs. The City Clerk is directed to file certified copies of this Resolution with the Board of Supervisors, the County Clerk and the Registrar of Voters, together with the attached ballot measure.

**PASSED AND ADOPTED** by the City Council of the City of Sand City on this \_\_\_\_ day of July, 2020, by the following vote:

**AYES:**  
**NOES:**

**ABSENT:  
ABSTAIN:**

**APPROVED:**

\_\_\_\_\_  
Mary Ann Carbone, Mayor

**ATTEST:**

\_\_\_\_\_  
Connie Horca, Acting City Clerk

**CITY OF SAND CITY**

**ORDINANCE NO. \_\_\_\_, 2020**

**AN ORDINANCE OF THE CITY OF SAND CITY REPLACING THE EXISTING GENERAL PURPOSE TRANSACTIONS AND USE TAX AT A RATE OF ONE PERCENT WITH A GENERAL PURPOSE TRANSACTIONS AND USE TAX AT A RATE OF ONE AND ONE-HALF PERCENT, TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION, SUBJECT TO ADOPTION BY THE ELECTORATE**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAND CITY:**

**SECTION 1. FINDINGS.**

A. On November 2, 2004, the voters of the City of Sand City adopted a General Purpose Transactions and Use Tax with a rate of one-half of one percent.

B. On November 4, 2014, the voters of the City of Sand City adopted a General Purpose Transactions and Use Tax with a rate of one percent.

C. The depressed economic times due to the coronavirus pandemic has resulted in a decline in revenues available for use in the City and a crucial immediate need for revenue, jeopardizing the community's essential services.

D. Without additional revenue the City cannot maintain the quality of local services due to insufficient revenue.

E. All funds from a local transactions and use tax must stay in the City of Sand City and cannot be taken by the State.

F. This General Purpose Transactions and Use Tax is a general tax and must be approved by at least a simple majority of affirmative votes of the qualified voters of Sand City at an election to be held on November 3, 2020 to become effective.

**SECTION 2. AMENDMENT OF SAND CITY MUNICIPAL CODE.** Chapter 3.36 "General Purpose Transactions and Use Tax" of the Sand City Municipal Code is hereby amended to read in its entirety as follows:

**"Section 3.36.010 Title.** This ordinance shall be known as the City of Sand City General Purpose Transactions and Use Tax Ordinance. The City of Sand City hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.



**Section 3.36.020 Operative Date.** "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the effective date, being the date this ordinance is approved by the voters as set forth below. The operative date is anticipated to be April 1, 2021.

**Section 3.36.030 Purpose.** This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

**Section 3.36.040 Contract with State.** Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

**Section 3.36.050 Transactions Tax Rate.** For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 1.5% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

**Section 3.36.060 Place of Sale.** For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

**Section 3.36.070 Use Tax Rate.** An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of 1.5% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

**Section 3.36.080 Adoption of Provisions of State Law.** Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

**Section 3.36.090 Limitations on Adoption of State Law and Collections of Use Taxes.** In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefore. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by

the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

**Section 3.36.100 Permit not Required.** If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

**Section 3.36.110 Exemptions and Exclusions.**

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

**Section 3.36.120 Amendments.** All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

**Section 3.36.130 Enjoining Collection Prohibited.** No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

**Section 3.36.140 Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**Section 3.36.150 Effective Date.** This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately if the tax is imposed by a simple majority of the voters voting on the question at the November 3, 2020 election..”

**SECTION 3. REPEAL OF EXISTING GENERAL PURPOSE TRANSACTIONS AND USE TAX.** The existing one percent General Purpose Transaction and Use Tax will not be repealed by this Ordinance unless this Ordinance is approved by a simple majority of the affirmative votes of the qualified voters of Sand City at the election to be held on November 3, 2020. If this Ordinance is approved by a simple majority of the affirmative votes of the qualified voters of Sand City at the election to be held November 3, 2020, the existing one percent General Purpose Transaction and Use Tax will be repealed effective on the Operative Date set forth in SECTION 2 (Section 3.36.020) of this Ordinance.

**SECTION 4. CEQA DETERMINATION.** This General Purpose Transactions and Use Tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose, the revenues from which are not committed to any particular action. As such, under CEQA Guidelines 15378(b)(4) and 15060(c)(2) & (3) the tax is not a project within the meaning of CEQA because it creates a governmental funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. (Public Resources Code Sections 21000 et seq, “CEQA”, and 14 Cal. Code Reg. Sections 15000 et seq, “CEQA Guidelines”). If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines 15060, review of this ordinance under CEQA is not required.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Sand City held on this \_\_\_\_ day of July, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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Mary Ann Carbone, Mayor

ATTEST:

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Connie Horca, Acting City Clerk

**APPROVED** by the following vote of the people on November 3, 2020:

Yes: \_\_\_\_ No: \_\_\_\_

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Connie Horca, Acting City Clerk

*{This was considered at the July 7, 2020 Council meeting}*

### **ARGUMENT IN FAVOR OF SAND CITY SALES TAX MEASURE**

The Coronavirus pandemic has left local governments, including Sand City, with financial difficulties and growing budget problems. City expenditures for police and infrastructure improvements continue to grow while revenues are experiencing a recessionary impact from the Coronavirus pandemic.

This recessionary impact is challenging the City to sustain service levels and fund ongoing capital needs. Our infrastructure needs are great, revenues are declining and the costs to provide quality services are rising, largely due to State regulations, pension liabilities, and healthcare that are outside of the City's control. That is why we are asking for your support.

Please join us in supporting Sand City's measure to maintain quality services and fund projects that contribute to our quality of life; protect our natural resources; and invest in our infrastructure while bolstering the financial health of the City.

These sales tax revenues would be used to invest in community facilities and spaces; protect the beach and parks; maintain public safety and emergency preparedness; address pension costs; fund capital projects and support citywide services.

A "YES" vote on Sand City's measure means a "YES" on Community, Infrastructure, Safety, Services and Fiscal Sustainability. We ask that you join the five of us in voting "YES" on this measure.



**STATEMENT TO BE FILED BY AUTHOR**

The undersigned author(s) of the Primary argument (In Favor/Against) of ballot measure K at the Presidential General Municipal election for the City of Sand City to be held on November 3, 2020 hereby states that such argument is true and correct to the best of (his/her/their) belief.

(NOTE: Names and titles will be printed in the voters pamphlet in the order signed below).

<b>Signed</b>	<b>Type or Print Name &amp; Title</b>	<b>Date</b>
_____	<u>Mary Ann Carbone</u> <u>Mayor</u>	_____
_____	<u>Jerry Blackwelder</u> <u>Vice Mayor</u>	_____
_____	<u>Kim Cruz</u> <u>Council Member</u>	_____
_____	<u>Gregory Hawthorne</u> <u>Council Member</u>	_____
_____	<u>Elizabeth Sofer</u> <u>Council Member</u>	_____

Please send Proofs to: \_\_\_\_\_ Fax: 394-2472  
(Address)

\_\_\_\_\_ Phone: 394-3054  
(City & Zip code)

Contact Person (s) Names (s): Aaron Blair or Connie Horca