

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

Regular Meeting – July 21, 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.

Mayor Carbone opened the meeting at 5:3 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

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

Mayor Carbone announced the funeral services for Mayor Joe Gunter and requested that if any council member would like to attend to let her know.

City Manager Blair reported on the progress of an accessory dwelling unit ordinance amendment and the possibility of holding a council workshop regarding short term rentals. There was Council discussion regarding holding a workshop, garnering public interest, and whether to place the item on the agenda sooner rather than later.

Mr. Blair also provided an update to Council Member Blackwelder regarding the status of the South of Tioga project, his meeting with Matt Nohr, and scheduling a future meeting with the developer, 4Leaf, outside agencies involved with the project, and City staff.

AGENDA ITEM 3, PUBLIC COMMENT

5:46 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.

5:46 p.m. Floor closed for Public Comment.

AGENDA ITEM 4, CONSENT CALENDAR

- A. There was no discussion of the July 7, 2020 Sand City Council Regular Meeting Minutes.
- B. There was no discussion of the City **RESOLUTION** Honoring Mayor Joseph David Gunter of the City of Salinas.
- C. There was no discussion of the City **RESOLUTION** Consenting to the Termination of the Monterey Peninsula Regional Water Authority Joint Powers Authority.
- D. There was no discussion of the City Donation/Contribution to SNIP Mobile Spay & Neuter for \$500.
- E. There was no discussion of the 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.

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, Hawthorne, Cruz, 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, PUBLIC HEARING

{Council Member Cruz recused herself from the online meeting due to a possible conflict of interest by residing within 500' of the subject property}

- 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**

City Planner Charles Pooler presented an application submitted by Al and Nathan Sambar to establish a glassblowing workshop and design studio with showroom and accessory office and storage within a 3,000 square foot portion of an existing commercial building at 801-B California Avenue. He provided details regarding the site and project description. The unit will be

divided into six operational areas to include hot, warm, and cold shops, along with a fab lab, design studio, and storefront gallery. The applicant intends to provide glass blowing classes during weekday afternoons and/or early Saturday mornings for 1.5 to 3 hours in duration. The applicant's proposed hours of manufacturing activities are 7:00 a.m. to 6:00 p.m. Monday through Friday, with a possible 2nd shift from 3:00 p.m. to 11:00 p.m., and 10:00 a.m. to 5:00 p.m. on Saturdays. Staff recommends that manufacturing operations occur between 7:00 a.m. to 6:00 p.m., but would support extended hours to 9:00 p.m. due to the low impact nature of the operation. The permit conditions would allow the City to further limit operational hours if the business should pose a nuisance to surrounding residential dwellings. All shipments/deliveries and loading/unloading activities via large trucks should occur during standard business hours and the permit would limit deliveries by 18-wheeler truck to once per month. The applicant proposes customer and showroom hours to be between 9:00 a.m. to 5:00 p.m., Monday through Friday which staff finds acceptable and compatible within a mixed-use neighborhood. The property provides 8 parking spaces. The applicant's unit requires four on-site parking spaces and there is sufficient on-site parking for the proposed use.

Mr. Pooler also reported on the storage and hazardous materials of the intended operation. The permit would contain the standard language regarding storage, and the use and disposal of hazardous materials. No comments were received from the Fire Department and Monterey County Health Department as part of the application review. The Building Department responded to several use conditions in which the applicant will need to address with the Building Department. There is adequate on-site water credit to facilitate the manufacturing operation and no water allocation from the City is necessary. Stormwater control does not apply to this operation. Staff recommends approval of the conditional use permit for the applicant with the conditions/restrictions proposed by Staff.

The applicants Al and Nathan Sambar commented that they have been involved in glassblowing for 13 years. They plan to manufacture glass work and custom designs for residential and commercial buildings with some tabletop designs for restaurants and private clients. The Sambar's are also connected to the glass works community around the world, and responded to Council Member Hawthorne's inquiry regarding educational history and instructional classes.

6:09 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.

6:10 p.m. Floor closed for Public Comment.

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

The Mayor welcomed Al and Nathan Sambar to the Sand City community.

{Council Member Cruz returned to the on-line meeting}

B. SECOND READING: Consideration of 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 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 Attorney Norgaard reported that at the July 7, 2020 Council meeting, the Council approved the First Reading of the ordinance replacing the existing general-purpose transactions and use tax from one percent to one and one-half percent. Staff recommends the Council approve the Second Reading of the attached ordinance.

There were no questions from the Council.

6:14 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.

6:15 p.m. Floor closed for Public Comment.

Motion to waive full reading of 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 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 Sofer, seconded by Council Member Hawthorne. Roll call Vote AYES: Council Members Blackwelder, Carbone, Hawthorne, Cruz, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

Motion to adopt the Second Reading by title only of 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 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 Sofer seconded by Council Member Blackwelder. Roll call Vote AYES: Council Members Blackwelder, Carbone, Hawthorne, Cruz, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 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**

City Attorney Norgaard reported that the attached resolution would approve the placement of the ballot measure on the November 3, 2020 ballot and to further consolidate election services with the Monterey County Elections department as well as direction to staff to take actions necessary to ensure placement of the ordinance on the ballot and the city attorney to prepare an impartial analysis. State law requires that the ballot language contain the amount expected to be raised and the duration of the tax to be imposed. The ballot measure language on page 85 of the agenda states *"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?"* Staff recommends approval of the attached resolution.

The Mayor added that the covid-19 pandemic would leave the City in financial difficulty and loss of sales tax revenue. The argument in favor of the measure is contained on page 96 of the agenda packet.

6:21 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.

6:22 p.m. Floor closed for Public Comment.

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

City Attorney Norgaard reminded the Council of the laws regarding campaign activities and what they may/may not do to promote the ballot measure.

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

City Attorney Norgaard provided an update to the Council regarding the history of the Monterey Peninsula Water Management District (MPWMD)'s efforts in November 2018 to perform a feasibility study to take over California American Water system, water rights, and its possible effect in relation to Sand City's desalination plant; and the actions taken by the Mayor, the City Attorney and City Manager in response to the MPWMD DEIR. .

The Council discussed the potential acquisition of the Monterey Water System, draft environmental impact report (DEIR), the City's desalination plant lease, and what the City's position would be in response to the DEIR.

It was recommended by the City Attorney, and agreed by Council Member Hawthorne, that a discussion of the City's lease with Cal Am and the City's position in regards to any negotiations should be discussed in a Closed Session at the next Council meeting, and also stressed the importance of protecting the citizens, businesses, and residents of Sand City.

There was consensus of the Council to continue the discussion of the item to the August 4, 2020 Council meeting.

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

Council Member Hawthorne reported that he contacted the Transportation Agency of Monterey County (TAMC) regarding their upcoming meetings, and was successfully added to the agenda distribution list.

Mayor Carbone commented that she attended the Seaside County Sanitation District meeting on behalf of Council Member Blackwelder and reported that the Ordinance to increase rates was pulled from the agenda.

D. Upcoming Meetings/Events

There were no upcoming events reported. The Mayor instructed Staff to research the annual League of California Cities Conference expected to be held some time in October.

AGENDA ITEM 8, CLOSED SESSION

6:40 p.m.

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

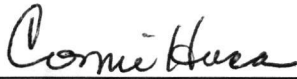
7:06 p.m.

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.

A confidential discussion was held regarding the public employee position of Chief of Police. Direction was given to the City manager to bring the item back to a future council meeting. No action was taken.

AGENDA ITEM 9, 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 7:08 p.m. to the next regularly scheduled City Council meeting on Tuesday, August 4, 2020 at 5:30 p.m.



Connie Horca, Acting City Clerk