

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

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Regular Meeting – October 6, 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 5:31 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 that her Mayor’s report will be available at a future Council meeting and that the Candidate Forum was well attended. She thanked Staff and City Manager Blair for their involvement with the we.festival.

City Manager Blair provided an update on the grant award for the Catalina Street improvements, interviews with respondents to the building services RFQ, Ashley Store tenant improvements, and provided a reminder of the sales tax initiative.

**AGENDA ITEM 3, PUBLIC COMMENT**

5:35 P.M. Floor opened for Public Comment.

City Clerk Horca reported that an email was received from Marilyn Galli from the Citizens of New California State issuing Notification of Presentment and Recognition. The email was distributed earlier to the City Council.

5:36 P.M. Floor closed to Public Comment.

City Attorney Norgaard noted that Closed Session items 4A2(b) and 11A1(b) will be pulled from the Agenda.

#### **AGENDA ITEM 4, CLOSED SESSION**

5:37 P.M.

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

**1) Conference with Labor Negotiator (Cal. Gov. Code §54957.6)**

**Agency Negotiator: Aaron Blair, City Manager**

**Position: City Attorney.**

**2) Conference with real property negotiator (Cal. Gov. Code §54956.8).**

**Closed session with real property negotiator regarding terms of payment related to the South of Tioga development**

**Agency Negotiator: Aaron Blair, City Manager; Vibeke Norgaard, City Attorney**

**Other Party: DBO Development LLC No. 30**

**Properties:**

**a. Portions of land along California Avenue and Tioga Avenue abutting the following: Lots 10 through 25 and 51 of Block 26; Lots 27 & 53 of Block 27; Lots 21 and 37 of Block 28; Lots 6,7, & 8 of Block 29; and Lots 17, 18, 19 & 20 of Block 16.**

**b. 600 Ortiz Ave, Sand City, CA 93955 (*This item was pulled*)**

**c. .9 acres of proposed habitat located within the South of Tioga Development.**

6:24 P.M.

**B. Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with 54957.1 of the Ralph M. Brown Act**

4A(1) The City Manager received confidential direction in regards to the position of City Attorney and the item will be brought back at a future meeting.

4A(2) The City Manager and City Attorney received confidential direction on real property negotiations from the Council.

The Mayor commented that Agenda item 5E will be pulled from the Consent Calendar and considered under Agenda item 6.

#### **AGENDA ITEM 5, CONSENT CALENDAR**

A. There was no discussion of the September 9, 2020 Special City Council Meeting Minutes.

B. There was no discussion of the September 15, 2020 Sand City Council Regular Meeting Minutes.

C. There was no discussion of the City/Successor Agency Financial Report, August 2020.

- D. There was no discussion of the City **Resolution** approving a Reimbursement Agreement with the Transportation Agency for Monterey County (TAMC) for a Consultant to Develop Vehicle Miles Traveled (VMT) Thresholds to Meet SB 743 Requirements Specific to the City of Sand City, for an amount not to exceed \$17,000 and Authorizing the City Manager to Execute Said Agreement on Behalf of the City of Sand City.
- E. Approval of City Donation/Contribution  
1) Pajaro Valley Indian Council - \$275 *{this item was pulled from the Consent Calendar and considered under agenda item 6}.*

Motion to approve Consent Calendar items 5A-5D was made by Council Member Hawthorne, seconded by Council Member Blackwelder. Roll call Vote AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

## **AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM THE CONSENT CALENDAR**

*{Mayor Carbone stepped down from the dais due to a possible conflict with the agenda item}*

*Vice Mayor Blackwelder presided over the meeting.*

- 5E. Approval of City Donation/Contribution, Pajaro Valley Indian Council for \$275.**

6:28 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.

6:28 P.M. Floor closed for Public Comment.

Council Member Sofer expressed favor in contributing to the organization.

Motion to approve the City Donation/Contribution to Pajaro Valley Indian Council was made by Council Member Sofer, seconded by Council Member Hawthorne. Roll call Vote AYES: Council Members Blackwelder, Cruz, Sofer, Hawthorne. NOES: None. ABSENT: None. ABSTAIN: Mayor Carbone. Motion carried.

*Mayor Carbone returned to the dais and rejoined the virtual meeting.*

## **AGENDA ITEM 7, PRESENTATION**

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

- A. Presentation and Discussion by DBO LLC No. 30 regarding Development Agreement Terms (hotel transient occupancy tax and community facilities district)**

Patrick Orosco representing DBO Development LLC thanked the Mayor and Council, and complimented City Staff for their diligence and consistent efforts in trying to bring the development agreement forward. The resolution of the Habitat Management Plan is a critical step and needs to be addressed prior to demolition work commencing. Initial remediation should begin within the next few weeks and is confident that the finish line is in sight. He is looks forward to seeing some progress, and thanked Staff for addressing some difficult issues.

6:34 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.

6:34 P.M. Floor closed for Public Comment.

The Mayor thanked Mr. Orosco for the update.

*{Council Member Cruz returned to the virtual meeting}*

## **AGENDA ITEM 8, PUBLIC HEARINGS**

*{A named draw was conducted for Agenda item 7A. Council Members Hawthorne and Blackwelder recused from the virtual meeting due to a possible conflict of interest by residing within 500' of the subject property}*

### **A. Consideration of City RESOLUTION to Approve Coastal Development Permit 20-03 for Captain + Stoker Coffee Roasters to Operate a Coffee Roasting Production and Wholesale Operation within an Existing Commercial Building at 1807 Contra Costa Street**

City Planner Charles Pooler presented an application submitted by Tyler Ellis of Captain + Stoker Coffee Roasters for coastal development permit approval to establish and operate a coffee roasting production, packaging, and wholesale operation within an approximate 3,000 square foot portion of an existing mixed-use building at 1807 Contra Costa Street in Sand City. Mr. Pooler provided the site and project description. The Applicant informed staff that they may co-occupy this unit with a motorcycle renovation operation. No physical tenant improvement to divide the unit is intended or proposed at this time. Mr. Pooler further reported on hours of operation to include shipment/deliveries, loading/unloading, and onsite office and janitorial activities. Since the Applicant is required to have three (3) off-street parking spaces, the permit should require the Property Owner to be responsible for allocating and managing the parking spaces for all tenants of the Subject Property. Activities such as storage, packaging, and shipping are not anticipated to create detrimental impacts provided such activities are maintained inside the Applicant's unit.

Mr. Pooler explained the water requirements needed for the permit and recommends the permit specify that if and/or when the Applicant wishes to

implement the public service/sales of take-out beverage service/sales, then the Applicant would first have to acquire a water allocation from the City and then a water permit from the Monterey Peninsula Water Management District prior to such service/activity. Stormwater control regulations do not apply to this application. Staff recommends approval of the Coastal Development Permit for the Applicant, with the conditions/restrictions proposed by staff

There were Council concerns regarding possible fire hazards from dark roasting coffee and the smell of coffee that may emanate to the residential units above.

The applicant Tyler Ellis addressed the Council's concerns and noted that air vents will be provided through the windows and that afterburner equipment is now required by the State.

6:43 P.M. Floor opened for Public Comment.

The applicant Tyler Ellis provided a history of the business and would like to bring the business to Sand City.

Public Member Patrick Orosco commented that he highly endorses the business concept and it would be a wow factor for Sand City.

Sand City resident Michael Morris commented that some people may find the coffee odor oppressive and that the previous coffee roasting company closed due to complaints from the City of Seaside.

6:58 P.M. Floor closed to Public Comment.

The Mayor expressed concerns regarding the parking issues with the former use at the location.

Property Owner Jim Davi commented that he has not spoken with the other tenants of the building and that they should know of the proposed use for the space.

The Mayor suggested that the item be continued to allow the property owner additional time to contact the tenants of the building.

Motion to continue the City **Resolution** to Approve Coastal Development Permit 20-03 for Captain + Stoker Coffee Roasters to Operate a Coffee Roasting Production and Wholesale Operation within an Existing Commercial Building at 1807 Contra Costa Street to the October 20, 2020 Council meeting to give residents adequate notice was made by Council Member Sofer, seconded by Council Member Cruz. Roll Call Vote AYES: Council Members Carbone, Cruz, Sofer. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder, Hawthorne. Motion carried.

*Council Members Blackwelder and Hawthorne returned to the virtual*

*meeting.*

*{A named draw was conducted for Agenda item 7B. Council Members Blackwelder and Hawthorne recused from the virtual meeting due to a possible conflict of interest by residing within 500' of the subject property*

**B. Consideration of City RESOLUTION Approving Conditional Use Permit 642 for A.Strouse & Son Glass Incorporated Authorizing a Service Commercial Operation at 398-B Shasta Avenue**

City Planner Charles Pooler presented an application submitted by Russell Strouse and Cecilia Strouse of A. Strouse & Son Glass Incorporated for conditional use permit approval to establish a glass product sales and installation business, along with an office and storage use within an existing commercial building at 398-B Shasta Avenue. He provided site and project descriptions with Staffs recommended commercial hours of activities to occur 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 while allowing flexibility for commercial activity. The Applicant's floor area requires two (2) parking spaces and based on a 1/700 parking ratio, will be sufficient to accommodate the Applicant's 1 to 2-person operation. Staff does not foresee negative traffic impacts from the Applicant's Use. The on-site water credit is adequate to facilitate this service commercial operation, and no water allocation from the City is deemed necessary. Staff recommends approval of the Conditional Use Permit for the Applicant, with the conditions/restrictions proposed by staff.

Council Member Sofer expressed her concern whether there will be glass debris resulting from business activities.

7:18 P.M. Floor opened for Public Comment.

The applicants, Russell and Cecelia Strouse provided a history of their 40 years of business, manufacturing activities, and noted that they are moving from the City of Seaside in an effort to downsize their business operation. Ms. Strouse addressed Council Member Sofer's concern and commented that leftover shards are broken in the dumpster and that they sweep and clean the surrounding location regularly.

7:22 P.M. Floor closed to Public Comment

In response to the Mayor's inquiry whether the applicants were in agreement with the conditions of the use permit, the applicants responded that they were in agreement with permit conditions.

Motion to approve the City **Resolution** approving Conditional Use Permit 642 for A.Strouse & Son Glass Incorporated Authorizing a Service Commercial Operation at 398-B Shasta Avenue was made by Council Member Sofer, seconded by Council Member Cruz. Roll call Vote AYES: Council Members Carbone, Cruz, Sofer. NOES: None. ABSENT: None.

ABSTAIN: Council Members Blackwelder, Hawthorne. Motion carried.

*{Council Member Hawthorne returned to the virtual meeting}*

## **AGENDA ITEM 9, OLD BUSINESS**

*{Council Member Blackwelder remained recused and Council Member Sofer recused from the online meeting due to a possible conflict of interest by residing within 500' of the subject property}*

### **A. Discussion and Possible Approval of a Private Property Mural Application at 1738 Hickory Street**

City Manager Blair presented the written staff report for the application that was reviewed by the Arts Committee on August 6, 2020, and the Committee unanimously recommended that the City Council approve the application. The City Council considered the application at the August 18, 2020 City Council meeting. The item was tabled to gather more information on who would be painting the mural. The applicant shared the update noted in the staff report that the artist(s) have yet to be determined because he is in the process of fundraising. The applicants estimated cost is not to exceed \$30,000, would like to start fundraising early, and is hoping to begin execution in June 2021. Staff recommends approval of the private property mural at 1738 Hickory Street with the understanding that the applicant will provide a list of artist(s) before beginning.

There were questions regarding the cost and how much money would be raised, who are the muralist involved, and liability/insurance issues for the operation of the lift.

City Attorney Norgaard advised that the City has no role in deciding the method used by a private applicant to raise funds for private art on private property.

City Manager Blair noted that the company providing the lift for the we.mural festival would not drop off the lift without the client providing proof of adequate insurance.

7:35 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.

7:35 P.M. Floor closed for Public Comment.

Motion to approve the Private Property Mural Application at 1738 Hickory Street was made by Council Member Hawthorne, seconded by Mayor Carbone. Roll call Vote AYES: Council Members Carbone, Cruz, Hawthorne. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder, Sofer. Motion carried.

## **AGENDA ITEM 10, NEW BUSINESS**

*{Council Member Blackwelder returned to the online meeting. Council member Sofer remained recused from the online meeting due to a possible conflict of interest by residing within 500' of the subject property}*

### **A. Discussion and Possible Approval of a Private Property Mural Application at 613 Ortiz Street**

City Manager Blair presented the written staff report and noted that the Art Committee reviewed the application at its September 23, 2020 meeting. The Arts Committee recommended that the applicant submit another design from the artist for that location in order to add more diversity to the mural mixture in the West End. The design is a continuation of the art painted along Hickory Street and the applicant would like to move forward with the application as is. The occupants of the building have both expressed their excitement about the artwork, and approval was provided by the property owner. Should the Council approve the application, Staff also recommends approval of the existing portion of the mural that was started before the existing Sand City Public Art Policy was formally adopted.

In response to Council Member Cruz's question whether the prior artwork on the other side of the building went through the approval process, City Manager Blair commented that the prior artwork was installed before adoption of the Public Art Policy and has received unfavorable comments from the public.

Council Member Hawthorne interjected and noted that the mural application went before the Arts Committee and the committee indicated that they were not in favor of the mural as it does not create the atmosphere of the current murals in the City. There have been complaints from residents of the Independent of the current mural and to approve the application would not take into consideration the comments and objections of the residents.

Mr. Pooler confirmed that the current mural did not go through the Planning Department and the applicant's fees were refunded. The current process takes the planning department out of the application process and goes directly to the Arts Committee.

City Attorney Norgaard reminded the Council that the mural application appears to not have properly gone through the procedures established in the City's Public Art Policy guidelines as there was no planning/design review. Council can decide to amend the current procedures at a future meeting which can be done by resolution.

Council Member Blackwelder suggested that the application should go through a design review for overall City context, then to the Arts Committee to see if it fits the criteria of the highest and best for the City as the art would overall reflect the City.



Council Member Hawthorne added that if an application goes to the Arts Committee, they should have the ability whether to approve or deny an application based on the content, balance, depth, and ability of the art, and if precluded from making that determination, it should not be brought before the Arts Committee. There should be an esthetic standard because residents from the Independent will have to wake up and look at it every day.

Council Member Cruz expressed that the intent of the Art Policy allows a governing force for approval of murals, somehow the prior mural was painted and fell through the cracks. She inquired that if the Arts Committee rejected the mural does the Council not also have grounds to stand on.

City Attorney Norgaard added that there are established art procedures that the Council has adopted and the staff report should at a minimum set forth on what basis the Arts Committee rejected the mural application.

Mr. Blair suggested tabling the item, submitting it to the planning department for design comments, and running it back through the approval process to ensure that planning comments are not overlooked as part of the process.

Ms. Norgaard recommended that the Arts Committee provide written findings to support its approval or denial.

Mayor Carbone commented that his item will be tabled for further review by the planning department.

Motion directing the City Manager to bring the application back through the approval process was made by Council Member Hawthorne, seconded by Council Member Cruz. Roll Call Vote AYES: Blackwelder, Cruz, Carbone, Hawthorne. NOES: None. ABSENT: None. ABSTAIN: Council Member Sofer. Motion carried.

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

Council Member Sofer commented on her attendance of the League of California Cities virtual conference and mentioned the appointment of Mayor Carbone to serve as Vice President representative for the Peninsula.

Council Member Hawthorne commended Staff, the artist, and those involved in a successful mural festival, and looks forward to an international mural festival next year.

Mayor Carbone thanked the City for the contribution for Indigenous Peoples Day. There will be two nurses taking temperature checks to ensure public safety.

**C. Upcoming Meetings/Events**

Council Member Sofer reminded the Council of the TAMC Bike Committee meeting at 6:00 p.m. on Wednesday, October 7, 2020 via Zoom.

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

## **AGENDA ITEM 11, CLOSED SESSION**

8:12 P.M.

### **A. City Council/Successor Agency Board to adjourn to Closed Session regarding:**

- 1) **Conference with real property negotiator (Cal. Gov. Code §54956.8). Closed session with real property negotiator regarding terms of payment related to the South of Tioga development**  
**Agency Negotiator: Aaron Blair, City Manager; Vibeke Norgaard, City Attorney**  
**Other Party: DBO Development LLC No. 30**  
**Properties:**
  - a. **Portions of land along California Avenue and Tioga Avenue abutting the following: Lots 10 through 25 and 51 of Block 26; Lots 27 & 53 of Block 27; Lots 21 and 37 of Block 28; Lots 6,7, & 8 of Block 9; and Lots 17,18, 19 & 20 of Block 16.**
  - b. **600 Ortiz Ave, Sand City, CA 93955 *{this item was pulled}***
  - c. **.9 acres of proposed habitat located within the South of Tioga Development.**

8:39 P.M.

- b. **Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with 54957.1 of the Ralph M. Brown Act**

The City Attorney reported out that the Council further discussed the real estate negotiations with the City negotiators (Blair and Norgaard) and Council provided the City negotiators with confidential guidance as to the terms of the negotiation.

## **AGENDA ITEM 12, ADJOURNMENT**

Motion to adjourn the meeting was made by Council Member Sofer, seconded by Council Member Hawthorne. There was consensus of the City Council to adjourn the meeting at 8:39 p.m. to the next scheduled Special City Council meeting on Tuesday, October 13, 2020 at 5:30 p.m.



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Connie Horca, Acting City Clerk