

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

**Special Meeting – October 13, 2020
5:30 P.M.**

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

Mayor Carbone opened the meeting at 5:36 P.M.

AGENDA ITEM 1, ROLL CALL

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, PUBLIC COMMENT

5:37 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.

5:37 P.M. Floor closed to Public Comment.

AGENDA ITEM 3, NEW BUSINESS

A. Consideration of City RESOLUTION Approving Procedures for the Consideration of Development Agreements

City Attorney Norgaard presented the item for Council's consideration and noted that the attached resolution establishes procedures as outlined in Government Code §65864 through §65869.5 related to development agreements. The Council sits as the City's planning commission for the

purpose of entering into a development agreement between the developer and the City.

Motion to adopt **Resolution** approving Procedures for the Consideration of Development Agreements was made by Council Member Blackwelder, seconded by Council Member Hawthorne. Roll call Vote AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 4, PUBLIC HEARING

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

A. Consideration of Approval for FIRST READING of an ORDINANCE of the City Council of the City of Sand City Approving the Development Agreement by and between DBO Development No. 30, LLC relating to the Development commonly known as The South of Tioga Project

City Planner Pooler reported on the project area and referenced the project map to summarize the creation of new parcels, and the proposed construction of the new hotels and residential units. Last year, the Council took action to approve a new street and named it 'Morgan's Way'. He provided additional information regarding the DA's conformance with the adopted General Plan and it's outline for redevelopment at the location to include a higher/better use for the area, and to keep the affordable housing element as part of the project.

City Attorney Norgaard provided a history of prior approvals related to the South of Tioga project to include the vesting tentative map (VTM), mitigation and monitoring report, certified environmental impact report, approval of conditional use permits, Quimby Act fees, and the vacation of certain streets. Part of the VTM requires that the city enter into a development agreement with the developer.

Ms. Norgaard reported on the terms of the development agreement that involved giving the developer vested rights to the project for a term of 5 years which may be extended at DBO's discretion for an additional three-year period, and may be tolled/extended an additional 3 years for certain specified reasons. The DA includes conditions regarding the completion of Phase 1; requirements regarding securities to be provided by DBO so that if DBO begins construction, the City can finish the public improvements if DBO fails to; the establishment of a Community Facilities District and a credit towards the district from TOT taxes; an agreement that the City accepts a conservation easement in perpetuity; an agreement that City will reserve and allocate approximately 60 AFY water for the project, and assignment provisions. NBS, Inc. produced a fiscal analysis of the project and it reported that the project will have a positive fiscal impact.

Patrick Orosco of DBO development commented that he has worked closely with staff on the development agreement and is comfortable with the terms as outlined.

6:02 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.

6:02 P.M. Floor closed to Public Comment.

Council Member Sofer expressed her appreciation to Staff and everyone involved with the project.

Council Member Hawthorne added that this project has been worked on for a long time and is looking forward to a hotel.

Ms. Norgaard pointed out on page 97 of the agenda packet that the map depicts certain small portions of property that DBO does not currently own, and the development agreement may need to be amended at a future time to include those properties if and when DBO were to acquire them.

Motion to waive the First Reading of the full text of the **Ordinance** of the City Council of the City of Sand City Approving the Development Agreement by and between DBO Development No. 30, LLC relating to the Development commonly known as The South of Tioga Project was made by Council Member Sofer, seconded by Council Member Hawthorne. Roll call Vote AYES: Council Members Blackwelder, Carbone, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: Council Member Cruz. Motion carried.

Motion to approve the First Reading by title only of the **Ordinance** of the City Council of the City of Sand City Approving the Development Agreement by and between DBO Development No. 30, LLC relating to the Development commonly known as The South of Tioga Project was made by Council Member Blackwelder, seconded by Council Member Sofer. Roll call Vote AYES: Council Members Blackwelder, Carbone, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: Council Member Cruz. Motion carried

AGENDA ITEM 5, ADJOURNMENT

Motion to adjourn the Special meeting was made by Council Member Blackwelder, seconded by Council Member Hawthorne. There was consensus of the Council to adjourn the meeting at 6:07 p.m. to the next regularly scheduled meeting on Tuesday, October 20, 2020 at 5:30 p.m.



Connie Horca, Acting City Clerk