

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

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Regular Meeting – February 6, 2018  
5:30 P.M.  
CITY COUNCIL CHAMBERS

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

The invocation was led by Reverend Jason Yarbrough.

The Pledge of Allegiance was led by Police Chief Brian Ferrante.

Present: Mayor Mary Ann Carbone  
Vice Mayor Blackwelder {excused absence}  
Council Member Hubler  
Council Member McDaniel  
Council Member Hawthorne

Staff: Todd Bodem, City Administrator  
Vibeke Noorgard, Assitant City Attorney  
Leon Gomez, City Engineer  
Brian Ferrante, Police Chief  
Charles Pooler, City Planner  
Connie Horca, Deputy City Clerk/Admin. Asst.

**AGENDA ITEM 4, ANNOUNCEMENTS BY MAYOR AND CITY ADMINISTRATOR**

The Mayor commented that her report of activities will be prepared and available for the February 20<sup>th</sup> Council meeting.

There were no announcements from the City Administrator.

**AGENDA ITEM 5, PUBLIC COMMENT**

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

Charles Clark, Sand City resident commented that he has lived in Sand City for over ten years and noticed that people are not adhering to the STOP signs and are speeding through them. He has noticed dogs that also roam the City with no leashes making it uncomfortable to safely walk around the City, and that an animal was left in a truck overnight with possibly no food or water. He further reported on the parking problem along Dias Avenue with cars that were double parked, causing traffic congestion which makes it difficult for those who live on the street to drive safely.

In response to Council Member Hawthorne's question whether the cars were owned by residents or businesses, Mr. Clark responded that it could possibly be a combination of both.

Mayor Carbone commented that notes have been taken and directed Staff to address the aforementioned concerns.

5:38 P.M. Floor closed to Public Comment.

#### **AGENDA ITEM 6, CONSENT CALENDAR**

- A. There was no discussion of the approval of January 16, 2018 Sand City Council Meeting Minutes.
- B. There was no discussion of the City/Successor Agency Monthly Financial Report, December 2017.
- C. There was no discussion of the City/Successor Agency Treasury Report for Quarter ending December 31, 2017.
- D. There was no discussion of the Sand City Sales Tax Update, 3<sup>rd</sup> Quarter Sales (July – September 2017).
- E. There was no discussion of the City Donation/Contribution to the Sand City Chamber of Commerce for \$2,500.

Motion to approve the Consent Calendar was made by Council Member Hubler, seconded by Council Member Hawthorne. AYES: Council Members Carbone, Hawthorne, Hubler, McDaniel. NOES: None. ABSENT: Council Member Blackwelder. ABSTAIN: None. Motion carried.

#### **AGENDA ITEM 7, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR**

There were no items pulled from the Consent Calendar.

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

- A. Consideration of City RESOLUTION Approving Conditional Use Permit 619 for Luis Jimenez Authorizing use of an Existing Fenced Commercial Storage Yard at 725 Dias Avenue**

City Planner Charles Pooler presented an application submitted by Luis Jimenez to utilize an existing fenced storage yard at 725 Dias Avenue for the storage of tools, machinery, and vehicles of his masonry business. The subject property is 6,700 square feet and bounded by a perimeter fence that can be accessed from Dias and California Avenues. There are 5 employees coming to and from the site to pick up items necessary for their contract job sites. Items to be stored will be tiles, pavers, heavy

rocks, a saw machine, two heavy duty trucks for hauling, and a dump trailer. There will be no large truck deliveries to this location. The applicant's proposed hours of activity will be from 7:00 a.m. to 6:00 p.m. Monday through Saturday. Due to noise impact, Staff recommends the hours be from 10:00 a.m. to 5:00 p.m. on Saturdays, and that activities be prohibited on Sundays and holidays. There will be eight vehicles including employee vehicles and the site has adequate parking for the proposed use. Loading and unloading on California Avenue should be prohibited as it is the main thruway in Sand City. All storage of materials should remain on-site, and not outside the fenced area. Storage containers can be placed within the yard as long as they are not stacked on top of one another. Staff recommends that the cutting of masonry material be prohibited as a condition of the permit to minimize noise and dust impacts to surrounding residential uses. Staff further recommends a sunset clause for a limit of 5 years with approved time extensions at the discretion of the City Council.

There was Council discussion regarding the parking of employee and business vehicles on Dias Avenue, police enforcement, and how the officers would determine whether the vehicles belong to a business or resident. Council Member Hawthorne suggested that employees should be encouraged to park along California Avenue to keep Dias Avenue open for vehicular traffic. City Planner Pooler responded to Council Member Hubler's inquiry by explaining the 5-year term limit was to allow this as an interim use of the site until development of the site could proceed.

5:50 P.M. Floor opened for Public Comment.

The applicant Luis Jimenez commented that he has been a resident of Sand City and lives on Dias Avenue. The problem with parking is due to his trucks and family members who visit with him. The storage yard would be a place to store his vehicles and commented that he has read the conditions of the use permit. In response to Mayor Carbone's question whether Mr. Jimenez was in agreement with the conditions of the use permit, Mr. Jimenez replied that he is in agreement with permit conditions.

Lance Arno, Sand City resident expressed his concerns for the proposed use of the property, and commented that there should be no active use at the location if it is deemed solely for storage use. Mr. Pooler confirmed that the permit allows the applicant to store his sawing equipment there but prohibits the cutting of materials at the site, and referred to page 59 of the agenda packet to add language to include "there shall be no stone or masonry cutting on the property."

Justin Rumps, Sand City resident commented on his concern regarding the esthetics of the yard and the tarp on the fence. Mr. Pooler commented that there is no specific requirement related to the types of materials to be used and that the municipal code only refers to heights and setbacks. Council Member Hawthorne mentioned that this would be something that

the Design Review Committee can review.

Jeanie Colleto representing the property owner Louis Colleto commented that the property has been in her family for several decades and served as a roofing yard in the past. She has a lot of confidence in Mr. Jimenez as he would be a great tenant for the location and will take care of the yard. She has hopes to improve the property in the future. She inquired about bringing electrical to the site to fortify the opportunity for Mr. Jimenez to grow his business. Mr. Pooler replied that when it comes to the point when property improvements are ready to move forward, the use permit may be amended.

Ivan, the company foreman clarified that the use would serve as a storage yard. Employees are primarily there in the morning to take equipment and materials for the job site, and would return in the evening to drop them off. He does not foresee employees constantly being at the location and confirmed that there will be no cutting in the yard, as work related activities will be conducted at the job site. He is aware of the parking situation and will let the employees know that where additional parking is available.

Adelina Jimenez, the applicant's sister commented on the parking situation and noticed that it is a commercial zone as well. The storage yard would assist her brother's business, and keep traffic free for other businesses and residents who live/work on the street. She is appreciative of the owner's faith in her brother and his business.

6:10 P.M. Floor closed to Public Comment.

Mr. Pooler confirmed that the use permit does include language regarding the prohibition of stone cutting, that the language is already contained within the permit, and does not need to be added. There was discussion regarding the improvements to the yard at a future time and amendments to the use permit relating to those improvements.

Motion to approve the City **Resolution** approving Conditional Use Permit 619 for Luis Jimenez Authorizing use of an Existing Fenced Commercial Storage Yard at 725 Dias Avenue was made by Council Member Hawthorne, seconded by Council Member Hubler. AYES: Council Members Carbone, Hawthorne, Hubler, McDaniel. NOES: None. ABSENT: Council Member Blackwelder. ABSTAIN: None. Motion carried.

The Mayor welcomed Mr. Jimenez to Sand City.

- B. FIRST READING: Ordinance of the City of Sand City to Amend Sand City Municipal Code Title 18 (Zoning Ordinance) Chapter 18.63 for Compliance with AB 2299 and SB 1069 {this item continued from the January 16, 2018 Council Meeting}**

City Planner Charles Pooler reported that at the last Council meeting,

there was Council consensus to continue this item to give Staff ample time to review and modify Chapter 18.63 of the Municipal Code regarding accessory dwelling units (ADUs). At that Council meeting there was discussion and confusion to the intent and completeness of language regarding owner occupancy requirements. There were two amendments made to the ordinance they are being replaced with the handout provided this evening. The memo has the full ordinance and new language which the City Attorney amended to read that *“an applicant for creating an Accessory Dwelling Unit (ADU) shall be the owner-occupant of the Principle Dwelling Unit of that property, following the creation of an ADU on the property, the owner of that property shall be the occupant of the Principle Dwelling Unit of ADU of that property and that neither one or the other may be leased, marketed, and /or occupied separately from the other unit. ADU’s may be leased/rented, but only for terms longer than 30 days and shall not be occupied as “vacation rentals”, and at the time the zoning compliance is issued by the City Planner, the property owner shall record a deed restriction in the official records of Monterey County stating that the property owner has received permission from the City to create the ADU.”* The amended language prohibits an ADU from becoming a duplex as well as a vacation rental. Staff recommends that the aforementioned language be adopted in place of that which was distributed in the agenda packet.

Council Member McDaniel thanked Mr. Pooler for addressing the concerns mentioned at the previous council meeting as well as the parking issues that may present itself due to the addition of ADU’s.

6:20 P.M. Floor opened for Public Comment.

Lance Arno, Sand City resident commented on whether this is a new ordinance or one that was already in place. In response to Mr. Arno’s concern, Mr. Pooler commented that the ordinance was contained in the City’s Municipal Code and in need of an update to include the new state requirements. Once approved, the Ordinance will be forwarded to the State Department’s Housing and Community Development Department for their approval. Mr. Arno received further clarification on the language of the ordinance as it relates to ADU’s being leased/rented.

6:23 P.M. Floor closed to Public Comment.

Motion to approve the First Reading of the **Ordinance by title**, of the City of Sand City to Amend Sand City Municipal Code Title 18 (Zoning Ordinance) Chapter 18.63 for Compliance with AB 2299 and SB 1069 was made by Council Member Hubler, seconded by Council Member McDaniel. Roll call Vote AYES: Council Members Carbone, Hawthorne, Hubler, McDaniel. NOES: None. ABSENT: Council Member Blackwelder. ABSTAIN: None. Motion carried.

## AGENDA ITEM 9, OLD BUSINESS

**A. Progress report on Public Works projects, South of Tioga Redevelopment project, Coastal projects, and other Sand City community programs by City Engineer/Community Development Director/City Administrator**

City Engineer Leon Gomez reported that the desalination plant produced 25 acre feet for the month of January, and 5 acre feet through February 6, 2018. CalAm's consultant issued their final report for the sub-surface evaluation for the new intake wells, and Staff is working with Intera to develop a project schedule that takes the design and siting of the wells to construction. Staff is working with the technical consulting team for the Prop I Technical Assistance Grant to define projects within the City. The project probability would encompass the corridors of Contra Costa Street, Ortiz and Catalina Avenues. The project would be a combination of underground Stormwater chambers and above ground surface level type green surface improvements to the streets. A notice of completion and acceptance for the Hickory Street Project has been filed with the County of Monterey Records office. Final inspection 01, of the Bungalow's Project was conducted by the City Engineer; however, half of the sidewalk on Ocean Avenue will need to be reconstructed due to unmet Americans with Disabilities Act (ADA) requirements. The Catalina Lofts mixed-use project review is pending approval. Staff has been in communication with the Coastal Commission regarding the West Bay Street infrastructure repair, emphasizing that there is no public access to the beach, and that the City desires to repair and replace it to remain in compliance with the original desalination plant permit.

A preliminary layout is being designed for the Carroll Property surface parking project and additional field surveying may need to be conducted as part of the ADA requirements. The application for grant funding for the Calabrese Park improvement was successfully submitted by the City Administrator. Staff met with the applicant for the Wilson project to discuss street improvements. They would like the City to cover a portion of the cost. The City Engineer's office provided detailed comments to EMC Planning Group regarding the draft EIR for the South of Tioga project.

City Administrator Todd Bodem referred to his City Administrator's report. He further conveyed the amount of the grant funds that may be received for the Calabrese Park improvement, and repair of West Bay Street. At the last TAMC meeting he attended, Mr. Bodem mentioned a possible planning grant opportunity to study certain areas and pedestrian connections to include connection to/from the South of Tioga's flagship project, a portion of Hickory Street leading to the Independent, and a Costco connection. The source of money would come from SB1 funds.

The City Planner reported that the Vibrancy Plan will be a document tying all the projects and future improvements together.

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

- A. Approval of City RESOLUTION Authorizing the City Administrator to Execute an Agreement with Felix A. Caraballo for the Monthly Cleaning Service's for the City of Sand City Hall Facility at a cost not to exceed \$200 per month from February 1, 2018 through January 31, 2019**

City Administrator Todd Bodem reported that for over 25 years, Dyna Clean has provided janitorial services to the City and has not provided services since December 2017. Staff interviewed three possible companies, Felix's Janitorial Service, Joy's One Stop Janitorial, and Pure Janitorial to provide the service in place of Dyna Clean. Staff checked references included with the proposals, and Felix's Janitorial was highly recommended by other clients. His monthly cleaning services will be \$200. Staff recommends approval of the attached resolution

6:37 P.M. Floor opened for Public Comment.

Lance Arno, Sand City resident commented that you get what you pay for; however, his references seem to speak otherwise. The City Administrator confirmed that it is a contract that can be renewed annually at the discretion of the Council.

Justin Rumps, Sand City resident inquired about several projects within the City. The Mayor suggested that he speak with Staff following the meeting to obtain the information he is requesting in order to resume the meeting related to the item of business.

6:42 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution by title**, authorizing the City Administrator to Execute an Agreement with Felix A. Caraballo for the Monthly Cleaning Service's for the City of Sand City Hall Facility at a cost not to exceed \$200 per month from February 1, 2018 through January 31, 2019 was made by Council Member Hawthorne, seconded by Council Member McDaniel. AYES: Council Members Carbone, Hawthorne, Hubler, McDaniel. NOES: None. ABSENT: Council Member Blackwelder. ABSTAIN: None. Motion carried.

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

Council Member McDaniel commented that she would like information on any organizations and/or businesses that work with people who have disabilities. The Mayor mentioned that Sand City employs people with disabilities' through HOPE Services.

- C. Upcoming Meetings/Events**

The Deputy City Clerk brought to the Council's attention the March 17<sup>th</sup> MPCC Awards Dinner and requested that the Council contact her whether they plan to attend.

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

6:45 P.M.

- A. City Council/Agency Board to adjourn to Closed Session:**
- 1) To confer with Legal Counsel regarding pending litigation in accordance with Section 54956.9**
    - a. Security National Guarantee, Inc. v. Evariste Group, LLC (no. SCV-259904)**
    - b. People v. Mclemore, Case No. 17CR003409**

7:07 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 Assistant City Attorney reported on items 11A1 (a & b). There was no action taken.

#### **AGENDA ITEM 12, ADJOURNMENT**

Motion to adjourn the City Council meeting was made by Council Member Hubler, seconded by Council Member Hawthorne to the next regularly scheduled Council meeting on Tuesday, February 20, 2018 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 7:08 p.m.



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Connie Horca, Deputy City Clerk