

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

Regular Meeting – March 6, 2018
5:30 P.M.
CITY COUNCIL CHAMBERS
Sand City Hall, 1 Pendergrass Way, Sand City, CA 93955

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
Council Member Hubler
Council Member McDaniel
Council Member Hawthorne

Staff: Todd Bodem, City Administrator
Jim Heisinger, City Attorney
Leon Gomez, City Engineer
Brian Ferrante, Police Chief
Charles Pooler, City Planner
Connie Horca, Deputy City Clerk/Admin. Assistant

AGENDA ITEM 4, ANNOUNCEMENTS BY MAYOR AND CITY ADMINISTRATOR

There were no announcements by the Mayor and City Administrator. An amended resolution for Agenda item 6G was distributed to the Council.

AGENDA ITEM 5, COMMUNICATIONS

5:32 P.M. Floor opened for Public Comment.

Jane Haynes, Pacific Grove resident provided a handout regarding the proposed Transportation Network as part of the Fort Ord Reuse Plan. She commented that Pacific Grove has concerns regarding regional roads. She referred to the 1997 map handed out for a proposed freeway that was originally part of Highway 68 which was never built. In 2012 the Fort Ord Reuse Authority (FORA) conducted a reassessment of the base reuse plan. The map indicated that there is no existing Prunedale freeway and

bypass. The new proposed project indicates a highway off of Inter Garrison Road through Monterey Downs and Eastside Parkway. The last FORA meeting discussed regional transportation to adopt goals and objectives to build the Eastside Parkway. Sand City was one of eight members that voted for that. Five members, not including Sand City, of the FORA Board voted to do a regional transportation study with TAMC. There has not been a study conducted since 1997. She expressed that it would be in the best interest of Sand City and Pacific Grove, that Sand City change their vote so that monies can be allocated towards a new regional study, eliminating the Eastside Parkway.

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

AGENDA ITEM 6, CONSENT CALENDAR

Council Member Blackwelder requested that Agenda Item 6G be pulled from the Consent Calendar for separate consideration.

- A. There was no discussion of the February 20, 2018 Sand City Council Meeting Minutes.
- B. There was no discussion of the City **Resolutions** honoring the Monterey Peninsula Chamber of Commerce's 2017 Award Recipients
 - 1) Citizen of the Year – Steven J. Packer, M.D.
 - 2) Ruth Vreeland Memorial Public Official of the Year – John M. Phillips
 - 3) Robert C. Littlefield Award for Lifetime Achievement – Leinette Limtiaco
 - 4) Volunteer of the Year – Joe Smith
 - 5) Business of the Year - CONFIDENTIAL
- C. There was no discussion of the City **Resolution** supporting Proposition 68; the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018.
- D. There was no discussion of the City **Resolution** Proposition 69 Support and Opposition to SB1 Repeal.
- E. There was no discussion of the City **Resolution** authorizing a Service Agreement for Auditor Services by Hayashi & Wayland for Fiscal Year 2017-2018 at a cost not to exceed \$44,000.
- F. There was no discussion of the City **Resolution** approving Professional Planning Services Agreement Amendment #3 with EMC Planning Group to include additional \$52,450 to the Original and Amended Agreements for Fiscal year 2017-2018 related to the South of Tioga Developments for additional Staff Assistance, Biological Investigation, and Preparation of a

Habitat Management Plan.

- G. Approval of City **Resolution** demanding Federal Gun Control Action to Prevent Death and Injury (This item was pulled from the Consent Calendar for discussion under Agenda Item 7).

Motion to approve the Consent Calendar items 6A-F was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hawthorne, Hubler, McDaniel. NOES: None. ABSENT: None. Motion carried.

AGENDA ITEM 7, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

- 6G. Approval of City Resolution demanding Federal Gun Control Action to Prevent Death and Injury

City Administrator Todd Bodem commented that this resolution requests municipalities to support gun control due to the recent and past shootings occurring throughout the country. On page 2, the resolution indicates an amendment and to strike out the language referring to; "*semi-automatic firearms, high capacity magazines.*"

There was Council discussion regarding the uses for semi-automatic firearms. Council Member McDaniel requested that Police Chief Ferrante provide an explanation of the uses of semi-automatic firearms. He commented that as of January 1, 2018 identification is required to purchase ammunition in California, reported on guns that are illegal in the State of California, and reiterated why the language regarding semi-automatic firearms should be removed from the resolution as it is a broad definition of specific firearms. There was further discussion regarding replacing the language with "assault weapon", what constitutes an assault weapon, and how certain firearms are defined. Council Member Hawthorne commented that as a City, there should be some test/age limit requirement for the purchase of firearms. Council Member Blackwelder concluded that a letter be drafted to formally state Sand City's support of gun control.

5:51 P.M. Floor opened for Public Comment.

There was no comment from the Public.

5:51 P.M. Floor closed to Public Comment.

Mayor Carbone suggested that Staff proceed to draft a letter with Council comments as provided at tonight's meeting, and forward to Council Member Blackwelder for review prior to its distribution.

Motion to approve the City **Resolution as amended**, demanding Federal Gun Control Action to Prevent Death and Injury was made by Council Member Blackwelder, seconded by Council Member Hawthorne. AYES: Council Members Blackwelder, Carbone, Hawthorne, Hubler, McDaniel. NOES: None. ABSENT: None. Motion carried.

AGENDA ITEM 8, 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 20 acre-feet for the month of February 2018. The plant was shut down in late February due to issues at the intake wells. The City is moving forward with the approval of various contracts for technical consultants necessary to support the New Intake Wells project. Intera will provide hydrogeologic support, Polaris Consulting will provide topographic and boundary mapping, and Denise Duffy & Associates will provide environmental and biological services. These contracts will be brought before the Council later in the meeting.

On February 27, 2018 City staff met with the technical assistance consultant team to review various technical memorandums developed under Task 3 of the Proposition 1 Technical Assistance Grant. City staff provided input and discussed the various project alternatives with the consultant team. At this time, projects are focused along Contra Costa Street, Catalina Street, and the adjacent streets, as well as potential projects within the Transportation Agency for Monterey County's (TAMC) railroad right-of-way.

Due to excessive cross slopes that exceeded ADA requirements, the developer for the Bungalows at East Dunes project has replaced portions of the sidewalk along Ocean View Ave. The City Engineer performed final inspection on March 6, 2018 and is satisfied with the repair work. Staff is working with the developer to issue final inspection documents on lots 9 and 10.

Staff has been coordinating with Cal-Am to assist the applicant of the Catalina Lofts Mixed Use Project (Garza) to obtain approval of the proposed water system improvements. Review and submittal of improvement plans for the Bogue Residence project was received. Staff has provided minor comments to the applicant and project engineer. Ongoing coordination with California State Parks to renew the Right of Entry Permit regarding the repair of the West Bay Infrastructure is currently in progress.

The City Administrator has provided authorization to the City Surveyor to obtain the supplemental survey needed to perform an ADA assessment for the Carroll Property Surface Parking Project. The survey work should be performed this month. The City Engineer has developed construction documents for the irrigation system connection for the TAMC Landscaping Project, and is coordinating with various agencies to map existing utilities within the area of work.

Staff has been in constant communication with the construction manager of the Monterey Bay Shores Ecoresort project regarding the preliminary grading operations, and conducting site visits. According to the developer, the first phase of the water system improvements involving installation of a new water valve at the Edgewater Shopping Center will commence within the next few weeks. The City Engineer has requested that the developer provide final plans for this work, final approval from Cal-Am for the connection, and obtain an encroachment permit from the City. An encroachment permit for Quality Traffic Data to perform regional traffic counts on La Playa Ave on behalf of TAMC was approved by the City Engineer.

AGENDA ITEM 9, NEW BUSINESS

A. Consideration of City RESOLUTION Approving a Subrecipient Agreement by and Between the County of Monterey and the City of Sand City for Fiscal Year 2018/2019 Community Development Block Grant (CDBG) Project, including ADA Improvements to Calabrese Park and Authorize the City Administrator to Execute the Agreement and any Future Amendments thereto with Monterey County for the Purpose of Implementing the CDBG

City Administrator Todd Bodem reported that the County of Monterey along with the cities of Greenfield, Sand City, Del Rey Oaks, and Gonzales are participants in the U.S. Department of Housing and Urban Development. The participating agencies are known as the Urban County and are guaranteed to receive Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funds through June 30, 2018. Staff has been working towards a viable project that meets the criteria of this program funding. The funds are expected to be allocated towards infrastructure improvements to Calabrese Park including new ADA accessible parking, curb, gutter and sidewalk pavement improvements, short retaining walls, fencing, and minor grading. The Council decided to postpone receiving the annual \$10,000 allocation of grant monies awarded for previous years. The City has been granted \$30,000 plus another \$10,000 towards the Calabrese Park project. The project is ready for implementation; however, before grant funding can be spent the County as Grantee and the City as Subrecipient must enter into an agreement for the project, which determines how grant funds will be

spent, and how the implementation of the project and administrative funding will be reported. Staff recommends adopting the attached resolution authorizing the City Administrator to execute the Subrecipient Agreement.

Darby Marshall with Monterey County Community Development and Housing Department commented that the HUD CDBG program requires a considerable amount of lead time. The 2018-19 work plan will be considered by the Monterey County Board of Supervisors in April and again by May 15, 2018. CDBG funds may be used for facilities or some form of infrastructure project. CDBG has a stipulation for low-moderate income projects which does not need to be targeted as a special needs project. Mr. Darby added that he received a call from the City Administrator to provide the City of Sand City with the allocation for the next 3 years. A request to the Monterey County Board of Supervisors will be presented so Sand City can receive the next 3 years allocation. He explained the timeline of why the attached agreement needs to be considered far in advance.

Mayor Carbone received clarification regarding contractors required reporting of prevailing wage per the Department of Industrial Relations (DIR). Any public works project must be reported to the DIR identifying the project, contractors and sub-contractors, and that wages are reported correctly as well as making the project available to apprenticeships. The City Engineer commented that Staff is aware of the requirements and are incorporated into the contracts for public work projects.

6:13 P.M. Floor opened for Public Comment.

Libby Sofer, Sand City resident inquired about the inlet located on Olympia Avenue that is always full of debris. The City Engineer replied that it is a dead inlet which does not go anywhere, and debris flows down the street to the next inlet. There was discussion regarding whether the inlet belongs to the City of Sand City or to Seaside, and the mosquitoes that appear in the area. The Mayor will also bring the issue to the Mosquito Abatement District at their next meeting.

6:13 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** approving a Subrecipient Agreement by and Between the County of Monterey and the City of Sand City for Fiscal Year 2018/2019 Community Development Block Grant (CDBG) Project, including ADA Improvements to Calabrese Park and Authorize the City Administrator to Execute the Agreement and any Future Amendments thereto with Monterey County for the Purpose of Implementing the CDBG was made by Council Member Hubler, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hawthorne, Hubler, McDaniel. NOES: None. ABSENT: None.

ABSTAIN: None. Motion carried.

B. Consideration of City RESOLUTIONS Approving Contracts for the Sand City Water Supply Phase 1 New Intake Wells Project

City Engineer Leon Gomez reported that the California Coastal Commission (CCC) approved Coastal Development Permit (CDP) A-3-SNC-05-010 on April 5, 2005 and approved amendments in 2007 and 2008 for the construction of the Sand City Water Supply Project (SCWSP) that consisted of four intake wells, a reverse osmosis desalination facility, an injection well for disposal of concentrated brackish water, and pipelines. Wells #1 and #2 are located along Vista Del Mar at the end of West Bay Street and Wells #4 and #5 are located along Tioga Avenue. Well #3 was abandoned shortly after construction due to the presence of high salinity water, rendering it unsuitable for project use.

The desalination plant's purpose is to utilize brackish water derived from the wells located in beach sediments and once filtered through the plant would be at or near the salinity of sea water within the Monterey Bay Sanctuary. The desalination plant is owned by the City of Sand City while operated and maintained by California American Water under a lease agreement. It was designed to produce 300 acre feet per year. Since the SCWSP began operation in 2010, several factors, such as drought, and operational changes have affected the operation of the desalination plant, resulting in increased salinity at and around the existing intake wells. Since 2010 the average water production is approximately 260 acre feet annually.

In February 2014, the City submitted an application to the CCC for an immaterial amendment to the original CDP to construct up to six additional intake wells to address the lack of production and to produce better quality water necessary for the plant to meet its design capacity of 300 acre feet. In March 2014, the CCC responded to the City's application for an immaterial amendment with a letter entitled "Notice of Incomplete Coastal Development Permit (CDP) Application for City of Sand City Desalination Wells" requesting additional information. In response to the notice of incomplete application, the City worked with Cal-Am and its hydrogeological consultant to perform updated modeling in order to satisfy the CCC's request for additional information to determine preliminary locations for the new intake wells. In September 2016, the City submitted a response letter to the CCC providing them with the additional information they requested. In February 2017, the CCC issued a Notice of Intent to issue a new CDP for development of the installation of up to six (6) new intake wells based on the City's response. The intent is to build three (3) new wells now, run them for a year or two, plug the production into the modeling, and then site the three (3) remaining wells.

The new CDP cannot be issued until several "prior to issuance" Special

Conditions are satisfied by the City. This will require technical assistance from outside consultants. The three consultants are Intera who will provide hydrogeological support, Polaris Consulting will provide topographic and boundary surveys, and Denise Duffy and Associate for environmental and biological surveys. A majority of the costs associated with Intera and Denise Duffy are directly related to the construction period for the wells. The shorter the construction period and minimal amount of time the consultants need to be at the location; costs would decrease for their services. Staff recommends adoption of the attached resolutions authorizing the City Administrator to execute the attached agreements for consulting services.

City Administrator Todd Bodem added that Cal-Am verbally communicated their willingness to reimburse the City annually for the costs associated with the construction of the wells. The Mayor directed the City Administrator to contact Cal-Am for a written agreement regarding the reimbursement of costs associated with the well construction.

6:26 P.M. Floor open for Public Comment.

There were no comments from the Public.

6:26 P.M. Floor closed to Public Comment.

1) Approving City RESOLUTION Authorizing a Master Services Technical Agreement with Intera Incorporated to Provide Technical Assistance for the Construction of New Brackish Intake Wells for the City of Sand City Water Supply Project Phase 1 New Intake Wells Project in an amount not to exceed \$185,028

Motion to approve the City **Resolution** authorizing a Master Services Technical Agreement with Intera Incorporated to Provide Technical Assistance for the Construction of New Brackish Intake Wells for the City of Sand City Water Supply Project Phase 1 New Intake Wells Project in an amount not to exceed \$185,028 was made by Council Member McDaniel, seconded by Council Member Hawthorne. AYES: Council Members Blackwelder, Carbone, Hawthorne, Hubler, McDaniel. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

2) Approving City RESOLUTION Authorizing a Contract and/or Service Agreement with Polaris Consulting to Provide Land Surveying Services including Topographic and Boundary Surveys and Technical Support for the City of Sand City Water Supply Project Phase 1 New Intake Wells Project in an amount not to exceed \$17,000

Prior to the approval of the agreement, the Council discussed the 10% contingency and typographic error that was contained in the resolution (page 135) whose amount did not correlate with the percentage described. There was consensus of the Council to amend the resolution removing the 10% from the resolution.

Motion to approve the City **Resolution as amended**, authorizing a Contract and/or Service Agreement with Polaris Consulting to Provide Land Surveying Services including Topographic and Boundary Surveys and Technical Support for the City of Sand City Water Supply Project Phase 1 New Intake Wells Project in an amount not to exceed \$17,000 was made by Council Member Hubler, seconded by Council Member McDaniel. AYES: Council Members Blackwelder, Carbone, Hawthorne, Hubler, McDaniel. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

3) Approving City RESOLUTION Authorizing a Contract and/or Service Agreement with Denise Duffy & Associates to Provide Environmental Services to Support the City of Sand City Water Supply Project Phase 1 New Intake Wells Project in an amount not to exceed \$22,847

Motion to approve the City **Resolution** authorizing a Contract and/or Service Agreement with Denise Duffy & Associates to Provide Environmental Services to Support the City of Sand City Water Supply Project Phase 1 New Intake Wells Project in an amount not to exceed \$22,847 was made by Council Member Hawthorne, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hawthorne, Hubler, McDaniel. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

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

There were no comments from the Council.

D. Upcoming Meetings/Events

The Deputy City Clerk inquired about attendees to the Monterey Peninsula Chamber of Commerce's Annual Awards Dinner. Council Member Hubler responded that he plans on attending.

AGENDA ITEM 10, CLOSED SESSION

The City Attorney deemed that there was no need for Closed Session.

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Hawthorne to the next regularly scheduled Council meeting on Tuesday, March 20, 2018 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 6:45 p.m.



Connie Horca, Deputy City Clerk