

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

Regular Meeting – October 17, 2017
5:30 P.M.
CITY COUNCIL CHAMBERS

Mayor Carbone opened the meeting at 5:31 p.m.

The Invocation was led by Reverend Robert Hellam.

The Pledge of Allegiance was led by Chief of Police 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
Linda Scholink, Director of Administrative Services/City Clerk
Charles Pooler, City Planner

AGENDA ITEM 4, ANNOUNCEMENTS BY MAYOR AND CITY ADMINISTRATOR

There were no announcements by the Mayor or the City Administrator.

AGENDA ITEM 5, PUBLIC COMMENT

5:33 P.M. Floor opened for Public Comment.

There were no comments from the Public.

5:33 P.M. Floor closed to Public Comment.

AGENDA ITEM 6, CONSENT CALENDAR

The Mayor announced that agenda item 6G will be pulled from the Consent Calendar due to a possible conflict and will be considered under agenda item 7.

- A. Conditional Use Permits (CUP) and Coastal Development Permits (CDP) are subject to annual review by the City Council and City staff. Upon

review of each of the following Use Permits, staff is recommending continued operation of the Use Permits to the City Council based on the finding that these uses are in compliance with their permits. There was no discussion of the following use permits.

- (1) CUP #413, Taylor & Shelby Hawthorne (glass & metal), 460 Elder Avenue
- (2) CUP #501, Sylvan Design (art studio), 613-A Ortiz Avenue
- (3) CUP #555/CDP 12-07, Peninsula Hydronics (contractor) 2 John Street
- (4) CDP #95-09, Slakey Brothers (warehouse), 321 Orange Avenue
- (5) CUP #584, Groundworks Renewables (office), 433 Orange Avenue

- B. There was no discussion of the Sand City Council Meeting Minutes, October 3, 2017.
- C. There was no discussion of the Police Department Monthly Report, September 2017.
- D. There was no discussion of the Public Works Monthly Report, September 2017.
- E. There was no discussion of the City **RESOLUTION** Approving Time Extensions to January 31, 2018 of Multiple Conditional Use Permits (CUPs 450, 503, 508, 527, 532, 540, 541, 548, 576, 578, 588, 590, 594, 595, 598 & 599) and CDP 14-01 and 15-02 to continue as Interim Uses at their respective locations within the South of Tioga Area.
- F. There was no discussion of the City/Successor Agency Monthly Financial Report, August 2017.
- G. Approval of City **RESOLUTION** Granting the City Administrator Authorization to Execute a Water Assignment Agreement and Assign up to 0.195 acre feet of Water from the Sand City Water Entitlement to Robert and Carrie Dayton for the First (House 1) of Two Single Family Residential Homes at the Westerly Corner of Fell Street and Ocean View Avenue (APN 011-182-002). **This item was pulled from the Consent Calendar and considered under Agenda item 7 due to a possible conflict.**
- H. There was no discussion of the City Donation/Contribution to the Spirit of Salinas Irish Dancers "Rory the Lion" Program for \$400.

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

{Mayor Carbone stepped down from the dais due to a possible conflict of interest by residing within 500' of the subject property}

Vice Mayor Jerry Blackwelder presided over the meeting.

AGENDA ITEM 7, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

Item 6G - Approval of City **RESOLUTION** Granting the City Administrator Authorization to Execute a Water Assignment Agreement and Assign up to 0.195 acre feet of Water from the Sand City Water Entitlement to Robert and Carrie Dayton for the First (House 1) of Two Single Family Residential Homes at the Westerly Corner of Fell Street and Ocean View Avenue (APN 011-182-002) was pulled from the Consent Calendar and considered under Agenda item 7 due to a possible conflict

City Attorney Jim Heisinger commented that these allocations will be coming from the Sand City desalination plant. There is up to 206 acre feet of water that may be allocated over time and according to the Water Management District, the City has a right to approximately 165 acre feet. Mr. Heisinger suggested that the Council act to include, in future conditional use permits, a water allocation up to a certain amount as determined by the City Planner so that future water allocations do not need to be brought before the Council as a separate action item. This should make the process of allocating water more simplified.

In response to Council Member Hawthorne's question regarding additional water allocation for the South of Tioga project, City Planner Pooler answered that more water will need to be allocated since it is based on existing on site water credits. The project may need an additional 56 acre feet. The City attorney added that approximately 8 acre feet have already been allocated to the South of Tioga project. Mr. Pooler added that the King project will need approximately 20 acre feet of water and the allocation for the project will not expire as it is held in the City's account.

Motion to approve the City **Resolution** granting the City Administrator Authorization to Execute a Water Assignment Agreement and Assign up to 0.195 acre feet of Water from the Sand City Water Entitlement to Robert and Carrie Dayton for the First (House 1) of Two Single Family Residential Homes at the Westerly Corner of Fell Street and Ocean View Avenue (APN 011-182-002) was made by Council Member Hawthorne, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Hawthorne, Hubler, McDaniel. NOES: None. ABSENT: None. ABSTAIN: Mayor Carbone. ABSENT: None. Motion carried.

{Mayor Carbone returned to the dais}

AGENDA ITEM 8, OLD BUSINESS

{Council Member Hawthorne stepped down from the dais due to a possible conflict of interest by residing within 500' of the subject property}

A. Six (6) Month Probation Review of CUP 613 for Chad Hubman's Ornamental Metal Workshop at 361 Orange Avenue

City Planner Charles Pooler reported that back in April 2017, the Council approved a conditional use permit for Chad Hubman's ornamental metal workshop. The applicant is presently operating without a business license. Mr. Pooler displayed graphics/photographs of what presently exists around the exterior surroundings of Mr. Hubman's shop. The photos depict a violation of his use permit showing storage, equipment and a trailer unit parked outside, and conducting business after specified hours. The permit states that working should cease after dusk. The probation period for the metal workshop officially ends on October 19, 2017. Mr. Pooler requested that the Council consider whether Mr. Hubman's permit should be revoked due to violations of conditions contained in the use permit that were presented before the Council this evening.

City Planner Pooler addressed Council Member McDaniel's concern regarding other businesses who may be in violation of their permits and how it factors in with the Council's decision regarding Mr. Hubman's use permit. He also reported on other past and grandfathered use permits, the process of revocation, and how the use permits are written to be specific to the proposed use at the location. Dependent on the Council's decision, Mr. Hubman will be notified of the action and will be scheduled for a public hearing. Mr. Pooler clarified the City's process of moving forward with a public hearing.

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

There was no comment from the Public.

5:50 P.M. Floor closed to Public Comment.

There was consensus of the Council Members present to bring the item back for a public hearing at the November 7, 2017 Council meeting.

{Council Member Hawthorne returned to the dais}

B. Progress report on Public Works projects, Successor Agency Oversight Board, South of Tioga 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 10 acre feet of water as of October 17th. A total amount of approximately 22-23 acre feet is expected to be produced for the month. Intera has

provided preliminary results of the geophysical surveys depicting subsurface profiles along Sand Dunes Drive. Possible locations of where the wells should be placed will be provided to the City. Staff will conduct a conference call to discuss the preliminary results, what the graphs mean, and direction on moving forward. Once the data is interpreted, Staff will bring a report to the Council.

The bollard lighting for the Hickory Street project is ready to install and final inspections are scheduled some time next week. Staff received and executed an agreement with Denise Duffy and Associates to conduct a biological report for that project. A technical memorandum will be provided to Staff specific to West Bay platform and inlet project damaged by the early 2017 storms. Final building approval and certificates of occupancy have been provided to the developer of the Bungalows project for lots 2 and 3. Lots 4, 6, & 7 are still pending approvals. Public Works Staff and the City Engineer attended the Regional Stormwater's Best Management Practices (BMP) training last week as part of the program. Mr. Harper's concerns at the last Council meeting regarding overtopping of the curve was addressed, and that backfilling with additional gravel and requesting Mr. Harper to replace the fence should remedy the overflow of water onto his property. The City can entertain more remedies, but they may prove to be costly. An update from the Council for Watershed Health was received in relation to the Prop 1 Stormwater Grant. The State Water Board approved the City's work plan to improve the outfall, development of an LID green street, and possible installation of a run off. An update will be provided to the Council as the project moves forward.

There was Council discussion regarding water mitigation, green streets, and the process involving the Prop 1 grant. The City Administrator commented that the Coastal Commission would need information regarding the repair work of the platform.

AGENDA ITEM 9, NEW BUSINESS

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

Council Member Hawthorne commented on the letter from the Pacific Grove Arts Center (PGAC) The City Administrator reported that he and the Mayor will be meeting with the PGAC to further understand what they are requesting in their letter. It was Council Member Hawthorne's understanding that the PGAC would like the City to sign for the grant (which would not cost the City anything), and that legal advice had to be considered. Mr. Bodem commented that the PGAC does not want to write the grant under their non-profit status and would like the City to be the fiscal sponsor. The City would be the recipient of the dollars, and act as the accounting agent. The PGAC believes that writing the grant under the City would give them a better chance of receiving the grant and they

would spend their staff time to draft the grant. A formal request should be presented to the Council with the PGAC's intent, a possible business plan, and details of what the grant would include.

Mayor Carbone commented that she received the same letter and due to various interpretations of the PGAC's intent, a meeting would be beneficial to formulate a decision regarding the City's involvement with their organization. The Mayor added that Mr. Jim Vossen of the Sand City Chamber has created a commercial on Sand City's shopping centers and businesses. Mr. Pooler presented the advertisement for the Council. The Mayor also announced that she along with Council Member Kristen McDaniel and the City Administrator will be attending the Monterey County Employment of People with Disabilities luncheon on Thursday, October 19th.

B. Upcoming Meetings/Events

There were no RSVP's from the Council.

AGENDA ITEM 10, 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, November 7, 2017 at 5:30 p.m. There was consensus of the Council to adjourn the meeting at 6:24 p.m.



Linda K. Scholink, City Clerk