Regular Meeting – August 4, 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.

Mayor Carbone opened the meeting at 5:30 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
Shelby Gorman, Administrative Assistant
Brian Ferrante, Chief of Police

AGENDA ITEM 2, ANNOUNCEMENTS BY MAYOR, CITY ATTORNEY, AND CITY STAFF

Mayor Carbone announced that she received an email from Chris Cooke of Cal-Am water indicating good news of the desalination plants monthly production of 30-acre feet, and that item 8C will be pulled from the agenda.

City Manager Blair reported that his memo was enclosed and that he has been working with planning staff regarding a request for proposal (RFP) for building services to see how other organizations can provide these services to the City. Mr. Pooler explained the costs that the City of Monterey charges and the loss of some of their building department staff.

Following Council discussion regarding current and past building and plan check services, City Manager Blair received approval from the Council to email the draft RFP to them for their information.
City Attorney Norgaard reported that she has been working with City staff on several public records requests, submission of items related to the upcoming elections, and a draft response to the Monterey Peninsula Water Districts environmental impact report (EIR) that was submitted by the City Manager last week.

AGENDA ITEM 3, PUBLIC COMMENT

5:41 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.

5:41 p.m. Floor closed for Public Comment.

AGENDA ITEM 4, CONSENT CALENDAR

A. There was no discussion of the July 21, 2020 Sand City Council Regular Meeting Minutes.

B. There was no discussion of the HdL Companies Sand City Sales Tax Update, First Quarter Sales (January – March 2020).

Motion to approve the Consent Calendar items 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 5, CONSIDERATION OF ITEMS PULLED FROM THE CONSENT CALENDAR

There were no items pulled from the Consent Calendar.

AGENDA ITEM 6, PUBLIC HEARING

{Following a name draw Council Members Blackwelder and Sofer 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 of the City Council of Sand City to Approve Coastal Development Permit 20-01 for Poe’s Plumbing and Backflow to Operate a Plumbing Contractor Operation within an existing Commercial Building at 325 Elder Avenue

City Planner Charles Pooler presented an application submitted by Scott Poe and Judie Hogan of Poe’s Plumbing to operate a plumbing contractor’s business for storage and accessory office within a unit located at 325 Elder Avenue. He provided information regarding the site and project description. The applicant intends to operate from 8:00 am – 5:00 pm, Monday through
Friday, with no weekend hours, and shipments to occur during the aforementioned hours. The location provides 34 parking spaces and the applicants intended hours of operation would not overlap with Camp Transformation’s use and will accommodate both tenants. Staff recommends that company vehicles be parked within the building or employees take their assigned company vehicles home. Mr. Pooler concluded that due to the site specific situation; staff supports those uses/businesses of the remaining units of this building be low parking demand uses, to rotate parking demand and maximize accessibility between tenants. Staff recommends approval of the attached coastal development permit with the conditions/restrictions proposed by staff.

Mr. Pooler addressed the question regarding a trash enclosure and indicated that the permit specifies that trash be contained inside the building unless the applicant wishes to submit plans for an exterior trash enclosure.

5:54 p.m. Floor opened for Public Comment.

The applicant Judie Hogan provided a brief history of their business which was formerly located in the City of Monterey. They perform service plumbing, and she indicated that the use will not be open to the public.

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

5:56 p.m. Floor closed to Public Comment.

Motion to approve the City Resolution to approve Coastal Development Permit 20-01 for Poe’s Plumbing and Backflow to Operate a Plumbing Contractor Operation within an existing Commercial Building at 325 Elder Avenue was made by Council Member Blackwelder, seconded by Council Member Hawthorne. Roll Call Vote AYES: Council Members Carbone, Cruz, Hawthorne. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder, Sofer. Motion carried.

{Council Members Blackwelder and Sofer re-joined the virtual meeting}

AGENDA ITEM 7. PRESENTATION

A. Presentation by City Manager Aaron Blair on the we.murals 2020

City Manager Blair reported that as part of the goal of encouraging and supporting local artist and muralist, the Sand City Art Committee is desiring to seek proposals from local Monterey Peninsula artists, preferably artist within Sand City, to submit mural proposals that will celebrate the history and culture of Sand City, its residents, and the larger community. The selected mural will be displayed in the City’s Art Park (currently under consideration), and stand as the first of a tradition of art created by the
community, for the community, and proudly displayed in a space dedicated entirely to the community. The proposed ‘Call for Artist’ is attached as Exhibit A in the packet. Mr. Blair provided a Powerpoint presentation that displayed the background and timeline, and the artist’s and walls they will be assigned to paint. Local artists will also be encouraged to participate. A submission form with the artists preliminary concept drawing and, narrative contact information, and examples of relevant works would be due to the City by August 19, 2020.

1) Discussion and Approval of a Local ‘Call for Artist’ for a mural located within the West End as part of the we.murals 2020

The Council discussed the mural festival, provided their feedback regarding the concept, the willingness of professional artists to come to Sand City to display their work, and also the opportunity for local artist to meet, learn, and share with other artists.

City Manager Blair recommended that the Council approve the ‘Call for Artist’ for the 6 wall/12 artist mural project.

Motion to approve the ‘Call for Artist’ and the we.mural 2020 was made by Council Member Sofer, 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 8, NEW BUSINESS

A. Consideration of City RESOLUTION Approving Application for Per Capita Grant Funds

City Manager Blair commended Administrative Assistant Shelby Gorman for her work in researching grants, and reported that the attached application for Per Capita Grant Funds are available from the State of California for local park rehabilitation. If awarded to the City, the grant funds would be used to renovate the existing Calabrese Park to include replacement of equipment, boardwalks, surrounding fences and benches, as well as removal of the woodchips. The grant is awarded on a non-competitive basis with no match requirement. Mr. Blair further explained condition 2 of the resolution regarding the availability of sufficient funds to complete the project. Staff recommends approval of the attached resolution.

Council Member Hawthorne approved the idea of rehabilitating Calabrese Park.

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.

Motion to approve the City Resolution approving Application for Per Capita Grant Funds was made by Council Member Blackwelder, seconded by Council Member Sofer. Roll Call Vote AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

B. Consideration of City RESOLUTION Approving Application for Statewide Park Development and Community Revitalization Program Grant Funds

City Manager Blair commented that the attached application is an opportunity for the City to apply for grant funds through the Statewide Park Development Community Revitalization Program (SPP) that would assist in further development of an Art Park. The project would address recreational opportunities for children and families, social events, and provide a cultural and educational experience. Funds would be implemented to renovate the existing Carroll Property. Applications are due by December 2020, with funds awarded in the spring of 2021, and projects to be completed by March 2025. The minimum grant amount awarded will be $200,000 with no match required.

Council Member Hawthorne commended Ms. Gorman on a job well done in researching these grants.

6:33 p.m. Floor opened for Public Comment.

A member of the public encouraged the Council to consider the inclusion of a maker space at the Art Park.

Mr. Blair defined to the Council what a maker space consisted of. He added that he would get additional information to the member of the public regarding donations.

6:37 p.m. Floor closed to Public Comment.

Motion to approve the City Resolution approving Application for Statewide Park Development and Community Revitalization Program Grant Funds was made by Council Member Hawthorne, seconded by Council Member Sofer. Roll Call Vote AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

C. Consideration of City RESOLUTION Authorizing Amendment to the Salary Step Plan
This item was pulled from the Agenda. No action was taken.

D. Consideration of Urgency ORDINANCE of the City Council of the City of Sand City Affirming Orders of the State Public Health Officer and the County of Monterey Public Health Officer Related to Covid-19 as Applicable and Enforceable within City Jurisdiction and Authorizing Director of Emergency Services to Designate Public Officers or Employees to Issue Citations

City Attorney Norgaard presented the ordinance and explained how it works to allow cities to enforce orders by the State and the County of Monterey Public Health Officers related to COVID-19 more easily, including orders requiring the wearing of face masks. The ordinance would allow enforcement of the orders as infractions, under the City’s municipal code, instead of as misdemeanors. She commented that several local cities have already adopted a similar ordinance. As the Covid-19 pandemic continues to spread in California, the Centers for Disease Control and Prevention (CDC) called on Americans to wear masks to prevent the spread of the virus. The ordinance also affirms that a local emergency still exists and allows the Director of Emergency Services to take actions to address it. The ordinance allows the Director of Emergency Services to direct employees to issue citation for violations of the orders. The ordinance would go into effect immediately, and not be codified in the city’s municipal code and will remain in effect until the Governor’s Proclamation of a State of Emergency is lifted or until rescinded by the City Council, whichever occurs first. She also explained that an urgency ordinance requires a 4/5 vote of council in order to be adopted.

The Council discussed whether employees can issue citations, the type of offense classified by the Ordinance, and the importance of securing a code enforcement officer. City Attorney Norgaard clarified that the City Manager as Director of Emergency Services would be in charge of directing who would issue citations.

Police Chief Ferrante addressed some issues and noted that most people are in compliance, that the officers are directed to educate the public, and that it would be prudent to collaborate with other cities.

Mayor Carbone added that the Monterey County Mayors were encouraged to educate the public. Sand City would like to show its support and make a statement. The ordinance is necessary for the preservation of public peace, health, and safety so that no one infringes upon someone else’s personal space.

6:55 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.
6:56 p.m. Floor closed for Public Comment.

The Mayor added that the concerns regarding employees to issue citations would be at the discretion of the City Manager.

Motion approving that the Urgency Ordinance is necessary for the preservation of the public’s health and welfare 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.

Motion to approve the Urgency Ordinance of the City Council of the City of Sand City Affirming Orders of the State Public Health Officer and the County of Monterey Public Health Officer Related to Covid-19 as Applicable and Enforceable within City Jurisdiction and Authorizing Director of Emergency Services to Designate Public Officers or Employees to Issue Citations 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.

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

Mayor Carbone commented that a new member will be appointed to the Arts Committee.

Council Member Cruz reported on her TAMC meeting and that they conducted a rail survey that identified a lack of response from the Hispanic community.

Council Member Sofer announced the TAMC Rail meeting tomorrow.

Council Member Hawthorne commented that he will be attending the TAMC Board meeting scheduled for August 26th and that an upcoming Arts Committee meeting will be held on Thursday, August 6th.

F. Upcoming Meetings/Event

There were no upcoming meetings/events.

AGENDA ITEM 9, CLOSED SESSION

7:06 p.m.

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

1) Conference with legal counsel - anticipated litigation (Cal. Gov.
code section 54956.9(e)(1)

7:59 p.m.

B. Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with Cal. Gov Code section 54957.1.

Legal Counsel provided confidential information regarding anticipated litigation (1 case). The City Council provided direction to Legal Counsel.

AGENDA ITEM 10, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Hawthorne, seconded by Council Member Sofer. There was consensus of the City Council to adjourn the meeting at 8:00 p.m. to the next regularly scheduled City Council meeting on Tuesday, August 18, 2020 at 5:30 p.m.

Connie Horca, Acting City Clerk