

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – October 18, 2011
7:00 P.M.
CITY COUNCIL CHAMBERS

Mayor Pendergrass opened the meeting at 7:00 p.m.

The invocation was led by Reverend Robert Hellam.

The Pledge of Allegiance was led by Chief of Police Michael Klein.

Present: Council Member Blackwelder
Vice Mayor Carbone
Council Member Hubler
Council Member Kruper
Mayor Pendergrass

Staff: Steve Matarazzo, City Administrator/Community Development Director
Jim Heisinger, City Attorney
Richard Simonitch, City Engineer
Michael Klein, Chief of Police
Charles Pooler, Associate Planner
Connie Horca, Deputy City Clerk/Administrative Assistant

AGENDA ITEM 4, COMMUNICATIONS

- A. Written communication distributed to the Council was a list of potential conflicts for tonight's meeting.

- B. Oral

The Mayor welcomed the Ladies Varsity Water Polo Team from Monterey High School.

7:03 P.M. Floor Opened for Public Comment.

Sand City resident and Monterey High School student Elena Owens thanked the Mayor and Council for considering a possible donation to the girls Water Polo Team. She introduced the water polo team captain Cailyn Costa and co-captain Sarah Sweeney.

Sarah Sweeney commented that a contribution to the water polo team would make a difference since the school does not allocate enough funds for the program. The money would assist parents who donate their time and vehicle to pay for gas to and from competitions. Even a minimum amount would help in the purchase of equipment such as a ball pump.

Cailyn Costa, added that additional funds are being raised through a car wash and a food sales program at local restaurants. A donation to the team would provide for the purchase of necessary equipment and suits. The team is also looking at other events within the community to continue their fundraising efforts. Any amount from the City would be greatly appreciated.

Ron Cheshire, from the Monterey County Building Construction Trades Council commented that times are tough and has noticed that cities are trying to complete projects at minimum cost. He mentioned to the Council that projects over \$5,000 are sent out to bid, and that charter cities are not exempt. If the City is in need of assistance with any projects, they may contact CFAX and use the Trades Council as a resource. In conclusion Mr. Cheshire thanked the Council, adding that Sand City is a great City, and encouraged the Council to keep up the good work.

7:08 P.M. Floor Closed to Public Comment.

AGENDA ITEM 5, CONSENT CALENDAR

- 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 coastal development and conditional use permits.
 - (1) CUP #413, Sculpture Works (manufacturing), 460 Elder Avenue
 - (2) CUP #477, Edelweiss Stone (manufacturing), 1720-B Contra Costa Street
 - (3) CUP #501, Sylvan Design (art studio), 613-A Ortiz Avenue
 - (4) CDP #95-09, Slakey Brothers (warehouse), 321 Orange Avenue
- B. There was no discussion of the Sand City Council Meeting Minutes, October 4, 2011.
- C. There was no discussion of the Public Works Monthly Report, September, 2011.
- D. There was no discussion of the Police Department Monthly Report, September, 2011.
- E. There was no discussion of the City/Redevelopment Agency Financial Report, August, 2011.

- F. There was no discussion regarding the reappointments of Sand City representatives to the Water Master Board of Directors for the Seaside Groundwater Basin 2012-2014.
- G. There was no discussion of the City Donations/Contributions to the Ladies Varsity Water Polo Team, Monterey High School for \$500 and the Coalition of Scholarship Organization 6th Annual High School Forum for \$200.
- H. There was no discussion of the City **Resolution** electing to have the City of Sand City serve as a Successor Agency to the Redevelopment Agency.

Motion to approve the Consent Calendar items was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled from the Consent Calendar.

AGENDA ITEM 7, PUBLIC HEARING

- A. Associate Planner Charles Pooler requested that the conditional use permit application for Peter Standridge of PJS Tile be continued to the November 1 Council meeting until a determination from the Monterey Peninsula Water Management District (MPWMD) is made regarding water usage.

Motion to continue City **Resolution** approving Conditional Use Permit 529 allowing a Stone and Tile Business at 652 Redwood Avenue to the November 1, 2011 Council meeting was made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

{A straw draw resulted in Council Member Blackwelder as a voting delegate. Council Members Hubler and Kruper stepped down from the dais due to a possible conflict of interest by residing within 500' feet of the subject property}

- B. Associate Planner Charles Pooler presented an application submitted by Ignacio Flores Martinez to establish and operate a produce storage and distribution operation at 571 Redwood Avenue. The applicant originally applied for a permit at 560 California Avenue, but was not able to complete the lease agreement. The applicant intends to operate within a 3,000 square foot unit as a sub-station to the main distribution facility located in Salinas. Office hours are 8:00 a.m. to 4:00 p.m., five to six days per week with one employee and two drivers. Shipments to the location will be between the hours of 9:00 a.m. to 11:00 a.m. The proposed use requires three on-site

parking spaces, of which the 32-foot wide frontage along the unit provides. Staff recommends signs be placed to identify the parking spaces for Veggies Produce. It is also recommended that vehicles parked on-site be prohibited from encroaching into the street and that loading/unloading activities do not occur on public rights-of-way. The distribution of produce is not anticipated to pose a nuisance so long as all activity occurs on the property, and that the operation satisfies all Monterey County Health Department requirements. Staff recommends approval of the conditional use permit with the conditions presented.

There was Council discussion of the applicant's lease for the other location. It was communicated that the incomplete lease agreement was not reflective of the proposed use. The property owner leased the building to another organization without a City issued permit. That organization's use permit will come before Council at the second November meeting. Further discussion raised concerns regarding outside storage at the 560 California Avenue location. Mr. Pooler commented that the same conditions previously presented will still be applicable to that location when a use permit for Big Sur Marathon is reviewed. The Mayor directed Staff to contact the property owner to have them take care of any public nuisance regarding outside storage.

7:27 P.M. Floor opened to Public Comment.

The Mayor asked the applicant if he was in agreement with the conditions of the permit.

Mr. Martinez acknowledged that he was in agreement with the conditions of the permit.

7:27 P.M. Floor closed to Public Comment.

Motion to approve City **Resolution** approving Conditional Use Permit 530 for Veggies Produce to use a commercial building for Produce Storage and Distribution at 571 Redwood Avenue was made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Hubler and Kruper.

{Council Member Kruper returned to the dais.}

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

- C. Associate Planner Charles Pooler presented an application submitted by Environmental Assessment and Remediation Management Incorporated to use an existing 500 square foot commercial space at 1815-D Contra Costa Street. The building has several units on both the upper and lower levels.

Hours of operation will be 8:00 a.m. to 5:00 p.m., Monday through Friday with one employee. The parcel provides a total of 21 parking spaces with several spaces assigned to the adjacent uses. There is adequate parking to meet the 2 required on-site parking spaces for the unit. No manufacturing will occur at the location, The proposed office use is not anticipated to generate any negative impacts. Staff recommends approval of the coastal development and conditional use permit for office use at the subject property.

7:32 P.M. Floor opened to Public Comment.

The applicant Noreen Sumpter commented that she serves as the full office staff. Environmental Assessment and Remediation is headquartered in southern California and has been in the Monterey Peninsula for over 14 years. Ms. Sumpter agreed to the conditions of the permit.

7:34 P.M. Floor closed to Public Comment.

Motion to approve City **Resolution** approving Coastal Development Permit 11-12 and Conditional Use Permit 531 allowing an office use at 1815-D Contra Costa Street was made by Council Member Kruper, seconded by Council Member Carbone. AYES: Council Members Carbone, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder and Hubler. Motion Carried.

{Council Members Blackwelder and Hubler returned to the dais}

AGENDA ITEM 8, OLD BUSINESS

A. City Engineer Richard Simonitch reported that the New Public Works Yard project is almost complete. The crew is compacting the aggregate base. All permits are in place regarding the Sand Dunes Drive Pedestrian Interconnect Project. The contractor plans to mobilize next week so that the project can be completed before the rainy season comes. The desalination plant produced 10af of water for the month so far. A little below the expected 12.5af. This was due to the clean-in-place process that ceased operation for a time. A report was submitted to the Monterey Regional Water Pollution Control Agency (MRWPCA) regarding the City's involvement in the Stormwater Management Group. The report is a 72 page document that contains what the City is doing to monitor stormwater runoff, and weekly activity reports of the Public Works accomplishments. Staff and Council were encouraged to view the report once it is posted on the city's website.

Council Member Blackwelder reported that a portion of the sidewalk near San Juan Pools needed to be finished. He suggested hiring two finishers for half a day to fix that portion of the sidewalk. Mayor Pendergrass directed Chief Klein and the City Engineer to take a look at the location to remedy the issue.

City Administrator Steve Matarazzo reported that the water permit from the Water District was split in two. Instead of giving the City a permit for 206af/year, they gave the City a permit for 165af, and will release the rest of the 46af once the desalination plant consistently produces 300af/year. The 165af should last the City at least ten years.

AGENDA ITEM 9, NEW BUSINESS

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

- A. City Administrator Steve Matarazzo reported that Chief Klein submitted an itemized list for the cost of an emergency services communications center and police annex at the New Public Works Corporation yard. The old public works corporation yard will be converted into a parking lot as previously recommended by Council. Those items were not originally budgeted for, and suggested that funding be taken out of the NGEN radio budget since it is probable that the County will delay moving forward with this program due to budgetary constraints. Staff recommends approval of the attached resolution.

Chief of Police Michael Klein commented that the staff report speaks for itself, and asked the Council if there were any other questions or concerns.

There were no other questions raised by the Council.

Motion to approve City **Resolution** approving an inter-fund budget transfer of \$34,000 from the General Fund to the Capital Improvement Fund for expenditures related to the New and Old Corporation Yard was made by Council Member Kruper, seconded by Council Member Carbone. AYES: Council Members Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Member Blackwelder. Motion Carried.

{Council Member Blackwelder returned to the dais}

{A straw draw resulted in Council Member Blackwelder as the voting delegate. Council Members Hubler and Kruper stepped down from the dais due to a possible conflict of interest by residing within 500' feet of the subject property}

- B. City Administrator Steve Matarazzo presented a resolution that should have been on consent; but due to possible conflicts, it had to be formally voted on. Staff encouraged the Council to support the attached resolution for the Surfriider Foundation to hold a special event at the Independent (600 Ortiz Avenue).The primary goal for this event is to generate new members to the foundation. Staff recommends approval of the attached resolution.

7:49 P.M. Floor opened to Public Comment.

Surfrider Foundation representative Sarah Damron commented that if the Council had any questions, she would be happy to answer them.

There were no questions from the Council.

7:49 P.M. Floor closed to Public Comment.

Motion to approve City **Resolution** approving a Special Event for the Surfrider Foundation on October 22 and October 23, 2011 was made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Hubler and Kruper. Motion Carried.

- C. Mayor Pendergrass reminded the Council of the upcoming Monterey Bay Regional Economic Forum and encouraged Staff and Council to attend. It will be an all day event to be held at the Embassy Suites Hotel, Friday, October 28, 2011.

AGENDA ITEM 10, CLOSED SESSION

7:54 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(c) of the Ralph M. Brown Act,

a) *CalAm v. Seaside*

b) *Monterey Peninsula Water Management v. State Water Resources Control Board (No. M102101), and related cases*

c) *Security National Guaranty, Inc. v. California Coastal Commission*

d) *Sierra Club v. MPWMD*

e) *Decker v. Schumer (King), (No. BC 432289)*

f) *California Redevelopment Association v. Matsantos (California Supreme Court)*

- 2) Regarding Public Employee Performance Evaluation, pursuant to Section 54957 of the Ralph M. Brown Act, position: City Administrator

8:10 P.M.

- B. Readjourn 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.

There was no report on items 10(A1) a-f. The Mayor will report the evaluation to the City Administrator, item 10(A2).

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Carbone, seconded by Council Member Hubler, to the next regularly scheduled Council meeting on November 1, 2011 at 7:00 P.M. There was unanimous consensus of the Council to adjourn the meeting at 8:12 p.m.

Connie Horca, Deputy City Clerk