

MINUTES

JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – May 6, 2008
CITY COUNCIL CHAMBERS
7:00 P.M.

Mayor Pendergrass opened the meeting at 7:01 p.m.

The Pledge of Allegiance was led by Police Chief Klein

Present: Council Member Blackwelder
Council Member Carbone
Council Member Hubler
Council Member Morris
Mayor Pendergrass

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

AGENDA ITEM 4, COMMUNICATIONS

A. There was no written communication distributed to the Council.

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

There was no comment from the Public

7:04 P.M. Floor closed to Public Comment

AGENDA ITEM 5, CONSENT CALENDAR

The Consent Agenda consists of routine items for which City Council approval can be taken with a single motion and vote. A Council member may request that any item be placed on the Regular Agenda for separate consideration.

A. There was no discussion of the April 15, 2008 Sand City Council Meeting Minutes

B. There was no discussion of the Fort Ord Reuse Authority Report, FORA, April, 2008

- C. There was no discussion of the City/Redevelopment Agency Treasury Report, March, 2008
- D. Approval for Payment of \$28,175 to the Monterey Peninsula Water Management District for processing the Water Distribution Permit and Water Entitlement Ordinance related to the Sand City Water Supply Project (SCWSP). Council Member Morris asked for verification if the City had all the permits. Staff responded that the permits have all been issued and that this request is a retro active payment.

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

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled.

AGENDA ITEM 7, PRESENTATIONS

- A. Tyler Tolles, Sand City resident, played the Marinaba Percussion Instrument for the City Council to show his appreciation for Sand City's support of his participation in the Vanguard summer music program.

Mayor Pendergrass presented Tyler Tolles with a monetary contribution from the City of Sand City.

AGENDA ITEM 8, PUBLIC HEARINGS

- A. Associate Planner Charles Pooler presented the consideration of a City Resolution approving Coastal Development Permit 08-05 allowing a small scale retail business at 490 Orange Avenue. The applicant, Melinda Collis, submitted an application to operate a women's clothing boutique shop. The total building square footage is approximately 1,700 square, of which the applicant proposes to use a single unit at approximately 340 square feet. On-site parking has been established for a total of six spaces within the decomposed granite, area with pavers to delineate the stalls. Of these six spaces, three are reserved for the hair salon, and one for the nail salon use. Staff does not anticipate the proposed small scale retail use to pose any foreseeable negative impacts. The retail use is seen as compatible with the mixed-use district if adequate parking is provided. The proposed use has adequate on-site water credit. Staff recommends the approval of the attached resolution approving the coastal development permit.

The applicant was in agreement with the terms and conditions of the permit.

7:19 P.M. Floor opened for public comment

There was no comment from the public.

7:20 P.M. Floor closed to public comment

Motion to approve the City **Resolution** approving Coastal Development Permit 08-05 allowing a small scale retail business at 490 Orange Avenue was made by Council Member Hubler, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

AGENDA ITEM 9, OLD BUSINESS

- A. City Engineer Richard Simonitch reported that a meeting with CDM Constructors will be held this Thursday to review the progress of the desalination plant construction and grading building permits. Additional public works reports will be presented under new business.

City Administrator Steve Matarazzo reported that Staff has submitted the application to the Parks Department for the beach access improvement grant funds. Sand City will need to file a notice of exemption with the Coastal Commission as part of the agreement with the State Parks Department.

AGENDA ITEM 10, NEW BUSINESS

- A. City Administrator Steve Matarazzo reported on the proposed City Resolution adopting the Investment Plan for the Transportation Sales Tax in Monterey County and related California Environmental Quality Act (CEQA) actions. Mr. Matarazzo introduced two items for Council consideration; one a resolution and the second, an ordinance that will be considered at the May 20, 2008 Council meeting. Mike Zeller from the Transportation Agency for Monterey County (TAMC) gave a brief presentation on the TAMC Regional Investment Plan and Development Impact Fee.

Mike Zeller also presented the adoption of a sales tax investment plan and regional development impact fee. The sales tax investment plan proposes a ½% sales tax over a 25-year period, with an estimated \$980 million in revenue. This investment plan would provide safer roads, more transit service, countywide improvements, reduced traffic congestion and additional benefits to the local economy. The regional impact fee is based on adopted plans of a 20-year impact through 2030, satisfying CEQA requirements, improving roadway capacity and providing transit capital expansion. Mr. Zeller outlined the four

zones that would benefit these fees, which include North County, Greater Salinas, the Peninsula/Coast and the South County. The \$1 billion program would create over 20,000 jobs. Sand City's benefit would include improved streets and roads, safety congestion relief by the widening of Highway 1 and 156, and an increase in transit bus service of the Monterey branch lines and regional bicycle and pedestrian funding. The proposed plan is environmentally sound, and was approved by the TAMC Board in January 2008. There are no new significant impacts, and each new plan will undergo a CEQA review. The proposed plan will require two thirds voter approval and if approved should appear on the November 4th ballot. The proposed plan needs approval by eight of the Cities, plus the County. TAMC requests and recommends the approval of the sales tax investment plan and regional development impact fee.

Council Member Morris asked if the sales tax does not pass, will the program still move forward?

Mr. Zeller replied that if the sales tax and development impact fee are two separate implementation measures for transportation improvements. If the sales tax does not pass, the development impact fee will still go into effect.

City Attorney Jim Heisinger commented that the resolution did not state the proposed TAMC Investment Plan and other attachments as exhibits, and that the language on the resolution needed further clarification. Mr. Heisinger asked the Council for a brief recess to address this issue.

City Administrator Steve Matarazzo suggested that a recess was not necessary and that this agenda item be continued on the agenda for council approval once the City Attorney and TAMC representative reorganized the attachments and language for the resolution.

The council was in consensus to proceed with the next agenda item and then re-hear the TAMC issue.

- B. Associate Planner Charles Pooler presented a City resolution authorizing the Monterey County Health Department to apply for State Block Grant Funding on behalf of Sand City towards the Countywide Used Oil Recycling Program. The City of Sand City has been an ongoing participant of the Monterey County Health Department used oil recycling program and each year the County applies to the California Integrated Waste Management Board (CIWMB) for grant funds to implement this oil collection/recycling program. The county Health Department is requesting Sand City's authorization allowing them to apply for the fiscal year 2008-2009 block grant funds on behalf of Sand City. Staff recommends approval of the attached resolution.

Motion to approve the City **Resolution** authorizing the Monterey County Health Department to apply for state block grant funding on behalf of Sand City towards the countywide used oil recycling program was made by Council Member Morris, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- B. City Engineer Richard Simonitch presented the City Resolution authorizing award of a contract for additional brackish well development for the Sand City Water Supply Project to Salinas Pump Company. After completion of the feed well drilling, the four brackish water wells were unable to collectively produce the amount of feed water necessary to provide 300 acre feet of potable water while maintaining a redundant well at each location. A consensus was reached by Sand City's well consultants that additional development and design would be required to increase production on the wells, and hiring a local contractor would be more cost effective. After several attempts to contact local Well Contractors known to have the qualifications to satisfactorily perform the work, only a response from Salinas Pump Company was received. Salinas Pump Company has the proven experience required to accomplish the work. They have submitted a proposal in the amount not to exceed \$23,876.00 to complete the work. This amount falls within adopted contingency amount approved for the original Wells and Pipelines project. Staff recommends the adoption of the attached resolution, and to award the contract for the additional development for the Sand City Water Supply Project brackish wells to the Salinas Pump Company to perform the necessary services listed in the attached proposal and scope of work.

Hydrogeologist Martin Feeney commented that the original plan was to have two wells at two locations, and to move forward with a stand alone plant. The current inability of the wells to produce the anticipated production capacity is not the failure of the contractor, but can be expected due to the limited amount of time the contractor had to develop the well within the contractual time frame. The cost associated with retaining the present contractor was too high, so a reasonable alternative was researched. At this point in the project, the current wells need additional development to be able to provide the anticipated production capacity.

Council Member Morris asked if the wells would need to be moved some time in the future due to back erosion, and how frequently would the pumps need to be replaced?

Mr. Feeney replied that the possibility of relocating the wells from their present position may occur given their current location. Time and erosion would be the determining factor. The pumps installed within the wells should have a considerable lifespan of approximately 5 or more years.

Motion to approve the City **Resolution** authorizing award of a contract for additional brackish well development for the Sand City Water Supply Project in the City of Sand City, California to Salinas Pump Company was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

Agenda item 10A was revisited and the City Attorney directed Staff that the language in the resolution, on page 82 be revised in paragraph E to include: *the Local Transportation Sales Tax Investment Plan and Development Impact Fee*

Program CEQA findings attached hereto as Exhibit C, and the Mitigation Monitoring Program attached hereto as Exhibit D. Additional language was added to the following paragraph to include: attached as Exhibit A. All documents referenced in the resolution would be so labeled and attached as exhibits.

There was no further discussion of the Council and Staff.

Motion approve the City **Resolution** adopting the investment plan for the transportation sales tax in Monterey County and related California Environmental Quality Act (CEQA) Actions as amended was made by Council Member Blackwelder , seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

D. City Engineer Richard Simonitch reported on the consideration of various Street Improvement Projects for the purpose of adopting a Budget for the State Proposition 1B funding for Streets and Roads Program. Sand City is eligible to apply for up to \$400,000 of the \$950 million Prop 1B funds for local road maintenance appropriated in the State's 2007 Budget. In order to receive the funds, the City Council must approve a plan and budget for use of the amount of funds available. A meeting with Sand City's Public Works Foreman and the Chief of Police resulted in the street projects that would directly benefit. Chief Michael Klein will give a summary of the recommended street improvements.

Chief of Police Michael Klein addressed the Council with the recommendations regarding the proposed list of street improvements that would be of priority for the use of the funds indicated. From a Public Works perspective, there are five street improvement projects deemed as priority. The repair of the ongoing surface water runoff from California Avenue across from the intersections of Holly, and provide with curbs, gutters and sidewalks in this area. The streets of Dias and Hickory to Granite Rock are in poor shape and can not be fixed by cold patching potholes. Elder Avenue and Shasta Avenue are also in poor condition, and should be brought to the same standards as the surrounding streets. Street striping in the City needs to be redone due to the wind and sand; the striping is no longer visible in many locations throughout the community. Striping is a project that occurs once every 2 to 3 years. The total expenditures listed exceed the proposed grant by \$75,000, and staff is proposing that the City expend the additional cost so that the most serious street improvement needs are prioritized.

Mr. Simonitch added that a resolution and proposal will be brought before the Council at the May 20, 2008 Council meeting.

There was Council Consensus to move forward with Chief Klein's and Mr. Simonitch's recommendations.

Mayor Pendergrass commented that the deadline to apply for these funds has been moved to June 1, 2008 and if approved at the next Council meeting, the

City Engineer would need to expedite the application for the Proposition 1B grant funds.

- E. The Deputy City Clerk brought to the Council's attention the upcoming events and meetings. Mayor Pendergrass reminded the Council to mark their calendars for the upcoming 2008 League of California Cities Conference to be held in September.

AGENDA ITEM 11, CLOSED SESSION

8:25 p.m. The Agency Board adjourned to Closed Session to confer with real property negotiator:

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

- A) In accordance with Section §54956.8 of the Ralph M. Brown Act regarding real property negotiator Steve Matarazzo, Executive Director regarding the acquisition of specific properties located at 525, 537, and 539 Ortiz Avenue, and 512 Redwood Avenue (APN 011-196-004, 013, 019, & 020) Carroll Property

{Council Members Carbone, Pendergrass and Morris remained following a straw draw for the following agenda item}

- B) Regarding property interest in accordance with Section §54956.8 of the Ralph M. Brown Act, City Hall (APN 011-188-001)

{Council Members Blackwelder and Hubler, returned to the dais}

- C. Regarding pending litigation pursuant to §54956.9 (c) of the Ralph M. Brown Act, Security National Guaranty, Inc. v. California Coastal Commission, et al.

8:59 p.m. The Agency Board readjourned 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 City Attorney reported that direction was given to Steve Matarazzo, property negotiator regarding the acquisition of specific properties located at 525, 537, and 539 Ortiz Avenue, and 512 Redwood Avenue (APN 011-196-004, 013, 019, & 020) Carroll Property and regarding interest in City Hall properties (APN 011-188-001).

Direction was given to the City Attorney regarding pending litigation of Security National Guaranty, Inc. v. California Coastal Commission, et al.

AGENDA ITEM 12, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Morris, seconded by Council Member Carbone, to the next regularly scheduled Council meeting on May 20, 2008. 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 9:00 p.m.

Connie P. Horca, Deputy City Clerk