

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

Regular Meeting – July 16, 2013
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 Police Chief Michael Klein.

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

Staff: Steve Matarazzo, City Administrator/Community Development Director
 Jim Heisinger, City Attorney
 Leon Gomez, City Engineer
 Michael Klein, Police Chief
 Linda K. Scholink Administrative Services Director
 Charles Pooler, Associate Planner

AGENDA ITEM 4, COMMUNICATIONS

- A. Written communication distributed to the Council was a list of potential conflicts (Agenda item 7A).

- B. Oral

7:02 P.M. Floor opened for Public Comment.

Public Member Sam Linder congratulated Administrative Services Director/City Clerk Linda Scholink on winning the tennis tournament sponsored by Sam Linder last week at Chamisal.

7:03 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 use permits.

- (1) CUP #377, Hartzel Automotive (auto), 510-A California Avenue
- (2) CUP #399, Edgewater Center, (retail/multiple sites), 915, 925 Playa & 2030 California
- (3) CUP #419, Carmel Tile/Doubleday (showroom/storage), 1725 Contra Costa
- (4) CUP #495, Alternator & Starter Exchange (assembly), 352-B Orange Avenue
- (5) CDP 97-05, Monterey Bay Restaurant Equipment (retail/wholesale), 325 Elder Avenue
- (6) CUP #321, Groves Masonry (storage yard), 872 Afton Avenue
- (7) CUP #368, Jersey's (food service), 832 Playa Avenue
- (8) CUP #463, Monterey Mattress (showroom), 1714 Contra Costa
- (9) CUP 521, Michael Sweeney (storage), 467 Shasta Avenue
- (10) CUP #522, North Bay Rehabilitation (contractor), 701 Redwood Avenue
- (11) CDP 11-09, Rebecca Bernstein (hydrotherapy), 1807-B Contra Costa

- B. There was no discussion of the Sand City Council Meeting Minutes, July 2, 2013.
- C. There was no discussion of the Police Department Monthly Report, June 2013.
- D. There was no discussion of the Public Works Monthly Report, June 2013.
- E. There was no discussion of the City **Resolution** approving Time Extensions to October 31, 2013 of Multiple Conditional Use Permits (CUPs 450, 503, 508, 527, 532, 533, 540, 541, 544, 553) to continue as interim uses at their respective locations within the South of Tioga Area.

Motion to approve the Consent Calendar items was made by Council Member Blackwelder, seconded by Council Member Kruper. 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.

AGENDA ITEM 7, PUBLIC HEARING

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

A. Consideration of a City Resolution approving 2-Year Time Extensions to July 31, 2015 of CDP 02-04 for Al Saroyan, CDP 03-03 for Cardinale Automotive, CDP 04-01 for Phillip Nicholson, CDP 04-03 for Newton Brothers, CDP 04-04 for Jaguar/Landrover, and CDP 05-03 for Peter Blackstock (Lexus Dealership) regarding their individual Storage Yards within the Railroad Right-of-Way

Associate Planner Charles Pooler reported that the Council had previously granted permits to various businesses to utilize segments of the railroad right-of-way as expansions of their abutting businesses. Five of these businesses are located in the City of Seaside, and one in Sand City. Those permits were originally given 2-year time limits with the possibility of time extensions thereafter, to allow temporary use of the railway until future train or other regional transportation mode is implemented by the Transportation Agency of Monterey (TAMC). The last time extension for those uses was granted in 2011, and will expire on July 31, 2013. Staff recommends approval of the attached resolution granting 2-year time extensions of those coastal development permits.

7:06 P.M. Floor opened for Public Comment.

Public Member Pam Silkwood, representing Peter Blackstock of the Lexus Dealership Group, thanked Mr. Pooler for his thorough staff report, and mentioned that she spoke with Dave Defino of TAMC who jointly supports the time extension of their coastal development permit.

Business Owner Sam Linder of Jaguar/Landrover, located on 1711 Del Monte Boulevard commented that the location has undergone a major remodel of the facility and showroom. A large monetary investment has been made to the aesthetics of the building. He is hopeful that any future improvements to the railroad right-of-way will be forestalled for some time. Mr. Linder was in agreement with the conditions of the use permit.

7:10 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** for 2-year Time Extensions to July 31, 2015 of CDP 02-04 for Al Saroyan, CDP 03-03 for Cardinale Automotive, CDP 04-01 for Phillip Nicholson, CDP 04-03 for Newton Brothers, CDP 04-04 for Jaguar/Landrover, and CDP 05-03 for Peter Blackstock (Lexus Dealership) regarding their individual Storage Yards within the Railroad Right-of-Way was made by Council Member Carbone, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Pendergrass. NOES; None. ABSENT: None. ABSTAIN: Council Members Hubler, Kruper. Motion carried.

{Council Members Hubler and Kruper returned to the dais}

AGENDA ITEM 8, OLD BUSINESS

A. Progress report on Public Works projects, Successor Agency Oversight Board, South of Tioga project, Coastal projects, and other Sand City community programs by the City Engineer, Community Development Director/City Administrator

City Engineer Leon Gomez reported that the desalination plant was inoperable for six days due to a clog in the reverse osmosis membranes. Cal-Am performed a cleaning and was able to have the plant running within a few days. Cal-Am determined that the clean in place (CIP) process should occur on a more regular basis, and will schedule a cleaning for the second train (train b) of reverse osmosis membranes. This process should increase the performance of the plant. A water production report should be received by staff by the end of July. He reported that two agreements had been renewed with the Storm Water Inspection Maintenance Services (SWIMS) for the shopping center storm drain systems, and the Watermaster Group for data collection service of the City's two water wells.

Mayor Pendergrass reported on the increase of water usage at the corporation yard, and inquired as to whether the plants were being irrigated properly. He further expressed his concern regarding the water use at the community garden, and asked if the water hose was improperly turned off.

City Administrator Steve Matarazzo reported that he and the City Attorney will be meeting with Dr. Ed Ghandour and his new attorney to ensure that his project continues to move forward.

AGENDA ITEM 9, NEW BUSINESS

A. Upcoming Meetings/Events

Mayor Pendergrass reminded the Council of the upcoming Monterey Peninsula Chamber of Commerce's Annual Business Excellence Awards on Thursday, July 18, 2013. There were no additional RSVP's.

AGENDA ITEM 10, CLOSED SESSION

7: 27 P.M.

A. City Council/Agency Board adjourned to Closed Session:

1) To confer with Legal Counsel regarding pending litigation in accordance with Government Code Section 54956.9(d)(1):

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

- b) *Cal-Am Application to CPUC NO. 10-04-019 for Order Authorizing Recovery of Costs for Lease and Operation of the Sand City Desalination Facility*
 - c) *Seaside v. Sand City (No. M120996) and related cross action*
 - d) *Local Educational Agencies' (LEAs) monetary claim to recover pass-through payments from the Sand City Successor Agency to the Redevelopment Agency*
- 2) Conference with Legal Counsel in accordance with Section 54956.9 of the Ralph M. Brown Act, regarding Claim against Monterey County regarding Reimbursement of Property Tax Administration Fee
- 3) To confer with Legal Counsel regarding potential litigation pursuant to Section 54956.9 (c) of the Ralph M. Brown Act: 1 case

8:50 P.M.

- B. Re-adjourn 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 Council gave Legal Counsel direction with regard to items 10A(1,c,d) and direction to Successor Agency Executive Director on 10A(3).

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Kruper to the next regularly scheduled Council meeting on Tuesday, August 6 2013 at 7:00 P.M. There was unanimous consensus of the Council to adjourn the meeting at 8:51 P.M.



Linda K. Scholink, City Clerk