

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

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Regular Meeting – August 6, 2013  
7:00 P.M.  
CITY COUNCIL CHAMBERS

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Mayor Pendergrass opened the meeting at 7:00 P.M.

The invocation was led by Reverend Ron Mason.

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  
                  Connie Horca, Deputy City Clerk  
                  Charles Pooler, Associate Planner

**AGENDA ITEM 4, COMMUNICATIONS**

Members of the public may address the City Council/Successor Agency on matters not appearing on the City Council/Successor Agency Agenda at this time for up to three minutes. In order that the City Clerk may later identify the speaker in the minutes of the meeting, it is helpful if speakers state their names. Public comments regarding items on the scheduled agenda will be heard at the time the item is being considered by the City Council/Successor Agency.

The City Council Chambers podium is equipped with a portable microphone for anyone unable to come to the podium. If you need assistance, please advise the City Clerk as to which item you would like to comment on and the microphone will be brought to you.

- A.    Written communications distributed to the Council included a list of potential conflicts (Agenda item 7A) and material for Closed Session Agenda item 10A [2].
  
- B.    Oral

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

There was no comment from the Public.

7:02 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 Sand City Council Meeting Minutes, July 16, 2013.
- B. There was no discussion of the City **Resolution** authorizing renewal of the Building Inspection and Plan Check Services Agreement with the City of Monterey.
- C. There was no discussion of the Fort Ord Reuse Authority (FORA) Monthly Report, July, 2013.
- D. There was no discussion of the 2013 League of California Cities Annual Conference Resolutions Packet.
- E. There was no discussion of the City Donation/Contribution to the Panetta Institute for Public Policy for \$500.

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

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

- A. **Consideration of City Resolution approving Conditional Use Permit 568 and Coastal Development Permit 13-04 authorizing an Artist Metal Workshop at 1815-A Contra Costa Street**

Associate Planner Charles Pooler presented an application submitted by Shawn Kelly to establish a metal art workshop at 1815-A Contra Costa

Street. The structure is a 7,400 square foot multi-tenant commercial building with three units on the ground floor and two offices on the second level. The applicant intends to work with steel materials to create various art forms by hydraulic compression. The operation does not involve hammering. The proposed use requires two (2) off-street parking spaces. The building provides nine (9) on site-parking spaces with additional spaces located to the north. There is adequate parking to satisfy zoning requirements for all units and tenants of the building. Hours of operation are from 8:00 a.m. to 6:00 p.m. daily. Staff recommends that manufacturing activities only occur between 8:00 a.m. to 5:00 p.m., Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturdays to minimize impacts to surrounding residential dwellings. No large trucks for loading/unloading are anticipated for this use. Metal workshops have the potential to create negative impacts from hammering or saw/blade cutting of metal however; the applicant states that his operation does not involve hammering. Staff recommends approval of the use permit provided that hammering is prohibited, and that the motorized compressor be within a noise insulating enclosure.

7:08 P.M. Floor opened for Public Comment.

The applicant, Shawn Kelly had no comments. The Mayor asked if he was in agreement with the conditions of the use permit. Mr. Kelly responded that he agreed with the permit conditions.

7:09 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** by title, approving Conditional Use Permit 568 and Coastal Development Permit 13-04 authorizing an Artist Metal Workshop at 1815-A Contra Costa Street was made by Council Member Carbone, seconded by Council Member Kruper. AYES: Council Members Carbone, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder, Hubler. Motion carried.

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

**B. Consideration of City Resolution approving Conditional Use Permit 567 for Teri Takikawa and Todd Fisher authorizing a Sandwich Sales Counter within an existing commercial kitchen at 354 Orange Avenue in Sand City.**

Associate Planner Charles Pooler presented an application submitted by Teri Takikawa, representing Todd Fisher, to establish a sandwich sales counter within an existing commercial kitchen at 354 Orange Avenue. The location presently operates a commercial kitchen; however, introduction of the sales counter for take-out is a change of use and requires conditional use permit approval. The applicant desires to set up a sandwich 'take-out'

sales counter inside the building's roll-up door, with NO on-site eating or service. Sandwiches will be 'made-to-order' and sold 'to-go', with the preparation of meats, and other items to occur within the existing kitchen. The cooperative arrangement for the use of the kitchen is between Todd Fisher and Teri Takikawa, on a rotating schedule. There are no standard 8-hour day work shifts. The sandwich counter intends to serve the public between the hours of 10:00 a.m. and 3:00 p.m., Monday through Friday with an hour before for preparation and an hour after for clean-up. Staff researched parking requirements for the proposed use, and recommends that the permit require four spaces in front of the building for sandwich sales and the commercial kitchen. Parking of company vehicles should not occur during sandwich sales hours to maximize available parking spaces. If overflow parking becomes an issue, this may be grounds for permit termination, and closure of the sandwich sales counter. The operation falls into a Group II occupancy for the sandwich sales and no additional water allocation is necessary. It is recommended that the permit conditions include that tables, chairs or other on-site eating amenities be prohibited, sales hours be limited from 10:00 a.m. to 3:00 p.m., a small enclosure be installed to conceal trash bins, a minimum of four on-site parking spaces be reserved and signed for exclusive use by the applicant's patrons, and that company vehicles not use these spaces during the hours that the sandwich sales counter is open. Staff recommends approval of the conditional use permit for the sandwich sales counter.

7:19 P.M. Floor opened for Public Comment.

The applicant Teri Takikawa, representing Todd Fischer and Jonathan Pierce, commented that he looks forward to doing business in Sand City. The location is across the street from Slakey Brothers whose contractors look for a place where they can have fresh sandwiches made to order. Parking should not pose an impact as he encourages employees, including himself, to park on the street close to the desalination plant. In response to Council Member Kruper's question regarding the 'Firebird' parked in the driveway, Mr. Takikawa will contact the owner to request that they relocate the vehicle. Mr. Takikawa is in agreement with the conditions of the use permit.

Sandwich sales operator Jonathan Pierce added that the proposed use will serve as a trial for a larger retail operation. This is an ideal location for a California Prosciutto type of deli, and hopes that the sandwich sales counter will expand into a possible restaurant in the future.

7:24 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution by title**, approving Conditional Use Permit 567 for Teri Takikawa and Todd Fisher authorizing a Sandwich Sales Counter within an existing commercial kitchen at 354 Orange Avenue in Sand City was made by Council Member Kruper, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone,

Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

## **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 City Engineer/Community Development Director/City Administrator**

City Engineer Leon Gomez reported that the desalination plant produced 18.95 AF of water for the month of July. The plant was inoperable for several days due to a clean in place (CIP) of the second set of reverse osmosis (RO) membranes. Cal-Am has researched possible replacements for these membranes, however; the technology is more advanced than the ones currently used in the desalination plant. City Administrator Steve Matarazzo commented that the plant was designed to replace membranes with state-of-the-art membranes over time. Cal-Am was aware that membrane technology would continue to advance rapidly. The date for the Stormwater Annual Report has changed, and the first draft is due the end of August to the Stormwater Management Group. The Storm Water Inspection and Maintenance Services (SWIMS) presented Staff with their recommendations for sediment removal of four tanks in the shopping center. The sediment removal will occur once SWIMS receives approval.

City Administrator Steve Matarazzo reported that the City received a letter from the Department of Finance (DOF) finding completion of the asset transfer of the former Redevelopment Agency to the Successor Agency. A final payment of approximately \$800,000 was made to the County Auditor for disbursement to the taxing entities. The 'finding of completion' will allow the City to prepare a long term property management plan, and prior City loans to the former Redevelopment Agency be placed on the Recognized Obligations Payment Schedule (ROPS). Staff is working with the consultant to see how much can be placed on the ROPS for reimbursement over a period of time.

In response to Council Member Kruper's question regarding the possibility of doing a property trade in lieu of money owed by the former Redevelopment Agency, City Administrator Steve Matarazzo responded that the City will try to retain as much property as possible, especially those properties that were slated for a public purpose.

## **AGENDA ITEM 9, NEW BUSINESS**

### **A. Consideration of cancelling City Council meeting due to League of California Cities Conference**

There was consensus of the City Council to cancel the regularly

scheduled September 17, 2013 Council meeting due to the League of California Cities Conference.

**B. Upcoming Meetings/Events**

There were no RSVP's from the City Council.

**AGENDA ITEM 10, CLOSED SESSION**

7:40 p.m.

**A. City Council /Agency Board to adjourn 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 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

8:07 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 City Attorney gave a report on items 10A (1-b, c & d) and 10A (2). There was no action taken.

**AGENDA ITEM 11, ADJOURNMENT**

Motion to adjourn the City Council meeting was made by Council Member Kruper, seconded by Council Member Blackwelder to the next regularly schedule Council meeting on Tuesday, August 20, 2013 at 7:00 P.M. There was unanimous consensus of the Council to adjourn the meeting at 8:08 P.M.

  
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Connie Horca, Deputy City Clerk