

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

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Regular Meeting – August 20, 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 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 Scholink, Administrative Service Director

**AGENDA ITEM 4, COMMUNICATIONS**

A.     Written communications distributed to the Council included a list of potential conflicts for tonight's meeting, an outline for the Regional Development Impact Fee presentation (Agenda item 7A), a letter from a resident in Monterey regarding the Laguna Grande Natural Habitat, and a report of the City's 1<sup>st</sup> Quarter Sales Tax Report from HdL.

B.     Oral

7: 04 P.M.    Floor opened for Public Comment.

              There were no comments from the Public.

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

              Mayor Pendergrass congratulated Reserve Officer Dennis Alexander for receiving the California Reserve Police Officers Association's (CRPOA) Reserve Officer of the Year Award. The Mayor presented Reserve Officer

Alexander with a Proclamation and read its entire contents to the audience.

Reserve Officer Alexander thanked the Mayor and Council, and commented that the award he is receiving is due to a team effort of his fellow officers, and acknowledged their efforts within the Police Department.

## AGENDAT 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 on the following permits.
- (1) CUP #257, Precision Porche (auto), 475-C Olympia Avenue
  - (2) CUP #345, James Obara, (mobile home), 770 Tioga Avenue
  - (3) CUP #370, Economy Cleaners (service business), 840 Playa Avenue
  - (4) CUP #378, Carmel Glass Company (contractor), 637-B Ortiz Avenue
  - (5) CUP #388, Sanctuary Management Group (recreation), 1855 East Avenue
  - (6) CUP # 396, McDonalds Restaurant (food), 990 Playa Avenue
  - (7) CUP #497/CDP 09-02, Rising Phoenix (tattoo studio), 490-B Orange Avenue
- B. There was no discussion of the Sand City Council Meeting Minutes, August 6, 2013.
- C. There was no discussion of the Police Department Monthly Report, July 2013.
- D. There was no discussion of the Public Works Monthly Report, July 2013.
- E. There was no discussion of the City/Successor Agency Treasury Report, period ending June 30, 2013.
- F. There was no discussion of the Fort Ord Monthly Report (FORA) Board meeting, August 2013.
- G. There was no discussion of the City **Resolution** authorizing the Renewal of a Memorandum of Understanding for Data Sharing between the City of Sand City Police Department and Law Enforcement Agencies within the South Bay Information Sharing System (SBISS) – South Bay Region Node.
- H. There was no discussion of the City **Resolution** approving the MOA for the Monterey Regional Storm Water Management Program.

- I. There was no discussion regarding the approval of the City Contribution/Donation to the American Diabetes Association for \$300.
- J. There was no discussion of the City **Resolution** authorizing Storm Water Inspection & Maintenance Services (SWIMS) for required Maintenance including Sediment Removal in Interceptor Tanks 1, 2, 3 and 4 in the City of Sand City, California.

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 and 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, PRESENTATION**

**A. Presentation by Michael Zellar of the Transportation Agency of Monterey County (TAMC) regarding Regional Development Impact Fee**

Michael Zellar of the Transportation Agency of Monterey County (TAMC) presented the Regional Development Impact Fee based on adopted plans established in August 2008, reflecting regional travel. TAMC is legally required to provide a 5 year update to assess the fees, general plans, and development forecasts. The program is reviewed by the Technical Advisory Committee, and approved by TAMC's Board of Directors. The 2010 AMBAG model reflects a reduced growth in housing and employment in the area, affecting a decrease in the amount of expected traffic and revenues from the program. Fees that were collected have contributed to regional transportation projects such as widening Highway 156, improvements to Highway 68, the Monterey Del Monte corridor, and Highway 1 at Sand City/Seaside. Mr. Zellar also explained why the 2013 fee per trip depicted a reduction in the amount paid per trip, and defined the infill development discount for developers. He requested approval of the attached resolution to update the Regional Development Fees.

In response to Council Member Hubler's question regarding the definition of 'a trip', Mr. Zellar responded that a trip is when an individual gets into their car and either drives to or from a destination. Different land use types, such as a residential or commercial, are charged based on an estimate of how many trips they would generate.

There was Council discussion regarding the comments appearing in the

Draft Environmental Impact Report (EIR) made from Cal-Trans in relation to a proposed Coastal project, the widening of Highway 1 towards the ocean, traffic impacts, and clarification of how regional development fees will be assessed.

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

There was no comment from the Public.

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

Motion to approve the City **Resolution** updating the Regional Development Impact Fees was made by Council Member Carbone, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper and 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 draft form for the Annual Storm Water Permit is almost complete, and will be ready for submission by mid-August. Staff also received various records information requests for utilities which have been processed. Mr. Gomez reported that the desalination plant has been in operation since his last communication with the plant operator.

City Administrator Steve Matarazzo reported that there has been no communication from Dr. Ghandour. The Coastal Commission discussed Dr. Ghandour's project under closed session at their last meeting. A five year report is due to the Coastal Commission on the desalination plant based on beach erosion, and how that has affected water well production and disposal. Martin Feeney has been contacted to perform the update.

Mayor Pendergrass announced the upcoming West End Celebration to be held this coming weekend.

Arts Committee Chair Craig Hubler reported that the Sand City Arts Committee is hosting a group show at the Carroll building for the West End Celebration. The show will display art from local artists, members of the Arts Committee, and West End Exhibitors.

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

***{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 Successor Agency Resolution approving all Public Uses as Interim Uses allowed on the Carroll Property, 525 Ortiz Avenue**

City Administrator Steve Matarazzo reported that, in accordance with redevelopment dissolution law (AB 1484), any interim use and/or disposition of property held by the Successor Agency must be approved by the Successor Agency and its Oversight Board. The Carroll property, located at 525 Ortiz Avenue was purchased with tax-exempt bonds for the purpose of providing public parking in a parking deficient area of Sand City.

It is recommended that until the Long Term Property management plan has been approved by the Oversight Board and the Department of Finance that the Carroll property be used for such things as overflow parking for the West End Event and the special parking needs of nearby businesses. A nominal monthly fee could also be charged by the Successor Agency for such purposes.

Chief Klein reported that Illusions of Grandeur rents additional trucks for their business and does not justify purchasing a parking permit for \$200 for a one-time event. They have received numerous citations for additionally parked vehicles. This issue has resulted in the need for off-street parking for one-time use and/or special event vehicles.

Mayor Pendergrass expressed his concerns regarding large trucks parking in blind spots, the management of one-time use parking permits, and the future disposition of the subject property.

Council Member Kruper added that inoperable trucks normally sit at the business location resulting in the need for rental trucks. The subject property will need to undergo improvements, and that future parking requirements may necessitate a fee to park within the City.

The City **Resolution** approving all Public Uses as interim uses allowed on the Carroll Property, 525 Ortiz Avenue was tabled and will be discussed at a future Council meeting upon further research by Staff.

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

**B. Upcoming Meetings/Events**

There were no RSVP's from the Council. Vice mayor Carbone presented a flyer to the Council for the upcoming Annual Beach Cleanup day to be held on Saturday, September 21, 2013 from 9:00 a.m. to noon.,

announced the afternoon tea sponsored by Community Human Services and the Genesis Open House.

## **AGENDA ITEM 10, CLOSED SESSION**

**7: 55 PM**

**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**

**8:42 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 advice to the Council regarding Item 10-A1 (c & d). The City Attorney further advised the City Council regarding item 10-A2, and the Council gave direction to the City Attorney.

## **AGENDA ITEM 11, ADJOURNMENT**

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Hubler to the next regularly scheduled Council meeting on September 3<sup>rd</sup>, 2013 at 7:00 P.M. There was unanimous consensus of the Council to adjourn the meeting at 8:45 P.M.

  
Linda K. Scholink, City Clerk