

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

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Regular Meeting – September 3, 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 Kelleher.

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**

- A.      Written communication distributed to the Council was a ‘no conflicts’ list.
- B.      Oral

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

The Independent Marketplace Manager Todd Champagne commented on the construction activities within the Independent Gallery space where the dinner event takes place on the first Thursday of each month. He explained to the Council that construction activities could make it inhospitable to host this month’s dinner, and suggested that he would like to try holding an outdoor event. The theme for this month’s event would be the “Harvest Dinner”. The event foot print would be minimal, leaving all driveways, fire, and sidewalk access’ open. Residents and business owners have been notified of the possible change.

Mayor Pendergrass advised Mr. Champagne to contact Police Chief Klein to coordinate the plans and details of the dinner event.

7:07 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, August 20, 2013.
- B. There was no discussion of the approval of City Donation/Contribution to the Alzheimer's Association for \$200.

Motion to approve the Consent Calendar 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**

- A. **Consideration of City Resolution approving Conditional Use Permit 569 for Devine Glass Incorporated to use a Commercial Property at 840-842 Fir Avenue as an Interim Temporary Use for Manufacturing and Storage**

Associate Planner Charles Pooler presented an application submitted by Justin Devine of Devine Glass, Inc. to open a business. The business would store and distribute glass windows, doors, skylights, and hardware, in addition to performing window and door repair and restoration services. The operation will be conducted in an existing commercial building at 840/842 Fir Avenue, and involves glass cutting, glazing, and installation. Public access will be limited, and client visitation will mostly be by "appointment". The Fir Avenue frontage provides space for seventeen non-tandem parking spaces. It is recommended that the applicant be required to have three outdoor parking spaces due to the number of employees. Shipments will be by smaller pick-up or box trucks. Semi-truck deliveries are estimated once every three months. All loading/unloading activities should be prohibited from encroaching or using public streets with the exception of the semi-truck 4 times a year. Staff does not anticipate this use to pose a nuisance. The proposed use is located within

the South of Tioga planning district, and considered an interim use. Staff recommends approval of the use permit with a termination date of one year from approval (October 31, 2014), with 90-day time extensions thereafter.

7:14 P.M. Floor opened for Public Comment.

The applicant, Justin Devine, had no comments. In response to Mayor Pendergrass' inquiry if Mr. Devine was in agreement with the conditions of the use permit, Mr. Devine replied that he was in agreement.

City Attorney Jim Heisinger brought to Staff's attention the typographical error on page 28 indicating that the permit expiration date should read 2014.

7: 16 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** approving Conditional Use Permit 569 for Devine Glass Incorporated to use a Commercial Property at 840-842 Fir Avenue as an Interim Temporary Use for Manufacturing and Storage was made by Council Member Kruper, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSTAIN: None. ABSENT: None. Motion carried.

**B. Consideration of City Resolution approving Conditional Use Permit 570 authorizing a Wetsuit Manufacturing and Distribution Operation 349 Olympia Avenue**

Associate Planner Charles Pooler reported that the applicant, Ruth Justice of Otter Bay Wetsuits, is not present for tonight's meeting. He received an email with comments from the applicant stating that she had reviewed the permit conditions, and was in agreement. Based on the email, Staff recommended proceeding with hearing the item tonight.

The Council was in agreement to proceed with the public hearing item with no presentation.

7:18 P.M. Floor opened for Public Comment.

There was no comment from the Public.

7:18 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** approving Conditional Use Permit 570 authorizing a Wetsuit Manufacturing and Distribution Operation 349 Olympia Avenue was made by Council Member Hubler, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSTAIN: 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 manager forwarded the desalination plant's water production report for the month of August. The plant produced 20.4 AF of water in August, totaling 180.4 AF for the year. There were four non-production days last month due to high turbidity issues occurring in well #2. Cal-Am performed some landscaping at the plant replacing the shrubs with stonework. Staff is researching the possibility of a 2 year lease with Suburban Propane to replace the existing tank that is worn and rusted. Staff is also in the process of updating the City's storm drain system map. Mr. Gomez thanked Staff for their help and cooperation in providing information for the Annual Storm Water report. He expressed his appreciation to Connie Horca for updating the City's website with additional links to the Storm Water Management Program, and data related to Storm Water Best Management Practices.

City Administrator Steve Matarazzo reported that, as a condition of approval, the desalination plant permit requires the City to perform an update every 5 years. Staff has contacted Martin Feeney, who initially conducted the study, requesting him to consider performing the update. There has been no communication from Dr. Ghandour regarding his proposed development project which may be subject to ongoing settlement discussions with the Coastal Commission.

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

### **A. Consideration and Approval of the Resolution of the City of Sand City serving as the Successor Agency to the former Redevelopment Agency, approving the Draft Recognized Obligation Payment Schedule (ROPS) for January 2014 through June 2014 (ROPS) 13-14B**

City Administrator Steve Matarazzo reported that the Successor Agency anticipates receiving over \$600,000 from the Real Property Tax Trust Fund for January through June of 2014. Proposed payables include \$250,000 for Series A Tax Allocation Bonds, \$110,000 for Series B Tax Allocation Bonds, and Administrative Costs of \$65,000 already approved by the Oversight Board. An estimated balance of \$159,600 will remain for payment to either the LEA's or the Supplemental Educational Relief Augmentation Fund (SERAF). A footnote may be attached to the ROPS indicating that if the LEA's come to settlement terms with the Successor Agency, prior to the submittal of this ROPS, then an amount approved by the Oversight Board to the LEA's will be accordingly subtracted from the

SERAF payable up to the full amount. Staff suggests placing this footnote to give the LEA's time to settle with the Successor Agency.

Motion to approve the **Resolution** of the City of Sand City serving as the Successor Agency to the former Redevelopment Agency, approving the Draft Recognized Obligation Payment Schedule (ROPS) for January 2014 through June 2014 (ROPS) 13-14B 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.

**B. Consideration of Association of Monterey Bay Area Government (AMBAG) Sustainable Communities Planning Process as it Relates to Regional Transportation Improvements**

City Administrator Steve Matarazzo reported that the Association of Monterey Bay Area Governments (AMBAG) is developing a long range regional transportation improvement plan to be included in the 2014 Metropolitan Transportation Plan (MTP). At the TAMC Board meeting, the Board unanimously chose the "preferred scenario" shown as Attachment 1 that includes constructing 6 lanes of highway through Sand City as recommended in the 2002 Project Study Report approved by Caltrans. It is recommended that the City Council approve a combination "Hybrid A and B" that includes State Highway 1 improvements through Sand City, increasing highway capacity by adding two additional roadway lanes.

There was consensus of the Council to send a letter to AMBAG notifying its Board that the City of Sand City supports "Hybrid A and B" as the preferred transportation alternatives to be placed in the 2014 Metropolitan Transportation Plan.

**C. Upcoming Meetings/Events**

There were no additional RSVP's from the Council.

**AGENDA ITEM 10, CLOSED SESSION**

7:42 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

7:56 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 discussed items 10A1(c,d) and 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 Tuesday, October 1, 2013 at 7:00 P.M. There was unanimous consensus of the Council to adjourn the meeting at 7:58 P.M.



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Connie Horca, Deputy City Clerk