

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

Regular Meeting – March 20, 2012
7:00 P.M.
CITY COUNCIL CHAMBERS

Mayor Pendergrass opened the meeting at 7:01P.M.

The invocation was led by Reverend Robert Hellam.

The Pledge of Allegiance was led by Police Chief Michael Klein.

Present: Council Member Blackwelder
Vice Mayor Carbone (excused absence)
Council Member Hubler
Council Member Kruper
Mayor Pendergrass

Staff: Steve Matarazzo, City Administrator/Community Development Director
Jim Heisinger, City Attorney
Richard Simonitch, City Engineer
Linda Scholink, Director of Administrative Services/City Clerk
Charles Pooler, Associate Planner

AGENDA ITEM 4, COMMUNICATIONS

A. Written communication distributed to the Council was a list of possible conflicts for tonight's meeting (Agenda items 7D & 7E).

B. Oral

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

There was no comment from the Public.

7:03 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. 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 regarding the following use permits.

- (1) CUP #389, Loren Speck Gallery (manufacturing), 591 Ortiz Avenue
- (2) CUP #410, Sand City Public Works (mobile office), Sylvan Park/Corp. Yard
- (3) CUP #483, Colton Heating (contractor), 431 Ortiz Avenue

- B. There was no discussion regarding the approval of the Sand City Council Meeting Minutes, March 6, 2012.
- C. There was no discussion regarding the approval of the City **Resolution** honoring Cardinale Moving and Storage as the Monterey Peninsula Chamber of Commerce 2011 Business of the Year Award Recipient
- D. There was no discussion regarding the approval of the City **Resolutions** recognizing the Monterey County Commission of the Status of Women, Outstanding Women of the Year for 2012 for 1) Konny Murray, 2) Dr. Jeannette Kern, 3) Carla-Lee Mullanix-Ackerman, 4) Debbie Aguilar, and 5) Lupe Galaviz.
- E. There was no discussion regarding the acceptance of the Public Works Monthly Report, February 2012.
- F. There was no discussion regarding the acceptance of the Police Department Monthly Report, February 2012.
- G. There was no discussion regarding the acceptance of the Fort Ord Reuse Authority (FORA) Monthly Report, March 2012.
- H. There was no discussion regarding the approval of the City Donation/Contribution to the Monterey County Business Council for \$200.

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

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled.

AGENDA ITEM 7, PUBLIC HEARINGS

- A. Associate Planner Charles Pooler presented a resolution for a second time extension of Mr. James Obara's development permits for another two years authorizing design modifications and building expansion of his home at 770 Tioga Avenue. These permits were issued time extensions in April 2010 and are now reaching their expiration. Mr. Obara is requesting a time extension for another two years of his development permits, with no modifications or amendments. The project is consistent with the "seascape" design for the East Dunes. Staff recommends approval of the attached resolution.

7:07 P.M. Floor Opened for Public Comment.

Mr. Obarra commented that he is in agreement with all the conditions of the permit.

7:08 P.M. Floor Closed to Public Comment.

Motion to approve the City **Resolution** by title, approving a two (2) year time extension of Site Plan Permit 08-01, Design Permit 08-01, and Conditional Use Permit 490 for James Obarra and his Project at 770 Tioga Avenue was made by Mayor Pendergrass, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: Council Member Carbone. ABSTAIN: None. Motion Carried.

- B. Associate Planner Charles Pooler presented an application by the Orosco Group to erect a perimeter fence and general storage yard on property fronting California Avenue, East Avenue and Scott Street (APN 011-186-038 & 039). The proposed fencing will be a chain link with dark vinyl slats. The code indicates that the fence can not be more than eight feet tall, and that barb and razor wire should be prohibited. Staff recommends that a gate fronting California Avenue not be allowed, because California Avenue is a main thoroughfare. It is further recommended that all lots within these two parcels be merged into a single lot and parcel. The propagation of new storage yards is discouraged; however this case deserves special consideration, since the applicant has invested a great deal to acquire properties with little current return. Should the Council determine that limited open storage be allowed within the South of Tioga area, it should be based on reasonable "interim" land use. Staff recommends approval of the attached resolution.

Council Member Kruper asked about parking on East Avenue and Scott Street, and if it will take a great deal of space should the fence go directly to the street line. Will there be any variance between where the street and sidewalk would typically be located?

Mr. Pooler commented that East Avenue has no curb, gutter or sidewalk. If the curb and gutter were to go in, it would start at the property line. The fence would still be on the property line. Parking now takes advantage of the open land used by surrounding businesses. The applicant wants to secure the property to discourage use by people who do not have authorization to do so.

Mayor Pendergrass expressed his concern regarding parking, and referred to page 76 of the packet. The municipal code does not have a specific parking requirement for open storage yards, therefore parking needs to be evaluated based upon the type of use and the scale of the operation. If the proposed use is allowed under the category of a storage yard, this would raise other issues.

City Administrator Steve Matarazzo addressed the open storage question raised by the Council on when and how it should be allowed. Staff is recommending that, at a future Council meeting, the following language be included in the City's general plan policy. It would state: *open storage on small lots is to be discouraged throughout the area of town known as the West End. Open storage on lots should only be allowed as an accessory use of property and shall be fully screened from public view. Open storage may also be allowed as an interim conditional use in the area of town known as the "South of Tioga" area where land assemblage activities has occurred over many years, and a large-scale redevelopment project is anticipated in the future.* This would establish two things. First it would make an allowance in the South of Tioga area due to the investment that has been made; and secondly, it would discourage/prohibit storage on the small vacant lots that still exist in the West End.

7:17 P.M. Floor opened for Public Comment.

On behalf of the Orosco Group, Consultant Geary Coats commented that Staff has done an excellent job explaining the issue. One reason for a fenced area at the site would be to control access to the lots. This will not be a permanent long term solution, and the applicant recognizes that a lot of storage and unauthorized parking is occurring at the location. The Orosco Group would like to work with Staff to make sure the fence is adequately set back and sight distance issues regarding the slatted fence would be remedied. The proposed perimeter fence is simply a control situation and an 'interim' solution as part of the South of Tioga project area. Mr. Coats requested a change to condition No. 4 referring to the establishment of a gate along California Avenue. He is requesting this change to gain access to the lower portion of the site due to a grade separation.

Mayor Pendergrass commented that the primary concern is that the City does not want to see more open storage yards since it does not meet the City's goal for redevelopment. The aesthetics of the City is the Council's main concern.

Mr. Coats added that he recognizes the City's goal. The primary concern for the perimeter fence is to secure the site, and there is no proposed use for the location at this time. He suggested that the fence can be set back a few feet, and landscaping be installed to improve the curb appeal of the site.

Sand City Resident Dierdre Bascou commented that if there is nothing proposed for overall redevelopment, then it is time to get creative and think

about what can be done for those spaces in the interim. What we don't have in Sand City is parking, and this has been a huge issue. Perhaps the Orosco Group can look at this space as something that would benefit the tenants in the area, and the few businesses that bring revenue to the City. Installing a fence would also block the view of those people exiting from East Avenue onto California Avenue.

Sanctuary Rock Gym owner Michael Bascou commented that he is fine with the site being fenced. It would not effect his parking too much. However, the Salvation Army takes up a lot of space. Vans park there once a week. There are dumpsters that should not be there, and a donation box that encourages people to leave stuff outside. Several employees continue to park in Mr. Bascou's spaces even though he has spoken with them about the issue.

Sand City resident Dave Parrott commented that he understands the economy is tough. He admires the Salvation Army, but he believes the fenced area would force people to park even more within the sand dunes.

Mr. Coats added that there is parking occurring on this property without the property owner's permission. He stated he would speak with the Salvation Army to determine the possibility of a lease for additional parking.

Council member Hubler added that it would be wise to come to some form of compromise between the Salvation Army, the City, and the Orosco Group for the property. It seems that, from the comments received, fencing the area would cause some problems.

Mayor Pendergrass suggested that this item be continued for one month so Mr. Coats can speak with the Salvation Army, Orosco's tenant, and the Police Chief.

Mr. Coats asked that the item be continued to the next Council meeting.

7:45 P.M. Floor Closed to Public Comment.

City Administrator Steve Matarazzo requested that the Council suspend this item, and suggested that the Council consider Agenda item 9C to reschedule the next Council meeting to Wednesday, April 4, 2012 in conjunction with the Public Hearing regarding the Community Development Block Grant (CDBG) Application. This would allow agenda item 7B to be continued to the next Council meeting.

Motion to reschedule the April 3, 2012 City Council meeting to Wednesday, April 4, 2012 was made by Council Member Kruper, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: Council Member Carbone. ABSTAIN: None. Motion carried.

Motion to continue Agenda item 7B to the next City Council meeting was

made by Council Member Pendergrass, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: Council Member Carbone. ABSTAIN: None. Motion Carried.

- C. Associate Planner Charles Pooler presented an application submitted by the Orosco Group to establish a perimeter fence and a general storage yard on property fronting California Avenue, Fir Avenue and Orland Way (APN 011-136-012 & Portion of 011-136-023). This item is similar to the previous agenda item for the purpose of securing the property from unauthorized use. The applicant is proposing four gates at this location. Staff is recommending against any gate access along California Avenue. In response to previous comments, Staff suggested that Mr. Coats communicate to DBO that since they own a large portion of the area, that they look at keeping a portion of the site open for tenant parking. Staff also recommends that the smaller lots be combined into a single lot and parcel. A time limit of one year with ninety day time extensions is also recommended. As a condition of the permit, the boat needs to be removed from the property. The final sentence would state: *the boat mold be removed from the property upon completion of the fencing.*

Council Member Kruper asked if a conditional use permit has been submitted by Habitat for Humanity, a business that has gone in. They may be directly affected by the fencing.

Mr. Pooler answered no application for a permit has been submitted and that he found out about that use on Monday.

7:53 P.M. Floor Opened for Public Comment.

On behalf of the Orosco Group, Geary Coats commented as there is no elevation change on the property, the applicant has no objection in eliminating the California Avenue gate. The other gates are requested to provide access to both streets on Orland Way and Fir Avenue. The boat on the property was inherited from the previous owner. The intent would be to have that removed from the site. The idea of a rolling gate as mentioned by Council Member Blackwelder is a good idea. Any parking requirement for use of the location would be on-site so that vehicles are not spilling out into the area.

Architect John Scourckes commented that he has a client interested in bringing projects into the West End in hopes of beautifying the City. He is not in favor of storage yards being located throughout the City. It may be short term, but it sounds as if they could be there for at least ten years. It does not seem to be the image the City is trying to achieve.

Sand City resident Deirdre Bascou added that fencing is offensive, and not an appearance the City would like to attain. With that in mind, the City needs to ask DBO to be more creative on what can be offered to the City to mitigate

the immediate needs of the City such as parking. There must be a solution to bring life to the City while improving the properties' aesthetic value.

Mr. Coats responded that DBO has done quite a lot in the sense of supporting community events and redevelopment within the City. A future event proposed is a farmers' market. The Council is aware that the Orosco's have contributed in many ways in trying to improve the community.

Sand City resident and property owner Roy Meadows commented that Fir Avenue and Orland Way, along with other streets in the area, are all 25 foot wide streets. When the Orosco's come in to develop the area, those streets would be eliminated. Should fencing go in, they will not be wide enough even to serve as an alley, because no width is provided to those 25 foot streets. There would be no parking with the installation of those fences, and the visual appearance of those streets will pose a problem. He recommended that the fences be off set from the property line instead of at the property line.

Sanctuary Rock Gym owner Michael Bascou asked if Habitat for Humanity, a business that moved in, has a use permit? They conduct sales on the weekends, and it is very busy. He reported that last Saturday, at least seventy-five cars were parked in that area, and placing a fence there would make it more difficult to park.

Mr. Coats added that DBO is looking to private property owners to solve the issues in that area that have their own parking requirements. Moving the fence in can be done, but then people will be parking on the lots, posing other issues and liabilities. The fence can be set back so people can walk along the property, but in fairness to the property owner, he is not in favor of encouraging public parking there.

Associate Planner Charles Pooler asked Mr. Coats if the primary issue is to protect the property from people using it and not necessarily to have a storage yard there.

Mr. Coats answered that there has been a lot of stuff dumped on the site, and people camping there as well. Having a fence and securing the property is the applicant's primary goal.

Associate Planner Pooler recommended that condition No. 4 of the use permit include language to state: *the fence shall be set back a minimum of 5' feet from property line to establish landscaping and sight distance clearing at the intersection.*

On behalf of the applicant, Mr. Coats was in agreement with the additional change to condition No. 4.

8:14 P.M. Floor Closed to Public Comment.

Motion to approve the City **Resolution**, by title, as amended, approving Conditional Use

Permit 541 for the Orosco Group allowing only the establishment of a perimeter fence and general storage yard on that property fronting California Avenue, Fir Avenue and Orland Way (APN 011-136-012 & Portion of 011-136-023) was made by Council Member Blackwelder, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: Council member Carbone. None. ABSTAIN: None. Motion Carried.

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

- D. Associate Planner Charles Pooler presented an application submitted by Bill Taormina to use property located at 412 Shasta Avenue for the storage of his personal collection of classic automobiles. This is a one story commercial building, and is approximately 3,250 square feet. There will be no mechanical or body work performed, nor any employees or clients at this location. The applicant would like to make renovations to the property by replacing the roll up door with glass door fronts. He would also remove the existing vertical siding, and install new horizontal siding to match the adjacent property so the two buildings would match. The property is non-conforming in that the property setback is insufficient to allow on-site parking along the frontage. Future use of the property beyond storage purposes would severely constrain the use until adequate parking is provided. Taking in to account that the applicant is proposing to use the building for storage, there will be no demand for parking. The proposed storage use should not pose a nuisance to neighboring properties. The parcel has two lots, and it is recommended that the lots be merged into a single lot parcel. Staff further recommends approval of the attached resolution.

8:21 P.M. Floor Opened for Public Comment.

Architect John Scourkes on behalf of Bill Taormina, commented that when this property became available, it provided an opportunity to clean this building up and serve his client. The client is in agreement with the conditions of the use permit.

Mayor Pendergrass added that the applicant did a beautiful job on the renovations of the adjacent building. The Council agreed.

Carmel Building and Design Owner Rob Nicely commented that Mr. Taormina really appreciates having the opportunity to do work in Sand City; he enjoys being able to improve property here and is excited and looking forward to improving this property as well.

8:25 P.M. Floor Closed to Public Comment.

Motion to approve the City **Resolution, by title**, approving Conditional Use Permit 539 allowing Bill Taormina to utilize an existing building at 412 Shasta Avenue for the storage of his Personal Auto Collection was made by Council Member Kruper, seconded by Council Member Hubler. AYES: Council Members Hubler, Kruper, Pendergrass. NOES:

None. ABSENT: Council Member Carbone. ABSTAIN: Council Member Blackwelder. Motion Carried.

{Council Member Blackwelder returned to the dais}

- E. The City Attorney commented that the next item, City **Resolution** to approve a Conditional Use Permit and Coastal Development Permit to authorize a one-time Farmers' Market Event at 600 Ortiz Avenue has two conflicts and one Council member absent. There is no quorum and suggested that the Council continue this item to the April 4, 2012 meeting.

On behalf of the applicant, Mr. Geary Coats commented that the event is scheduled for April 5, 2012, and he would like to request if there is a possibility of holding a Special Council meeting.

Motion to hold a Special Council meeting on Friday, March 23, 2012 at 5:00 p.m. to consider the City **Resolution** approving a Conditional Use Permit and Coastal Development Permit to authorize a one-time Farmers Marker Event at 600 Ortiz Avenue was made by Council Member Blackwelder, seconded by Mayor Pendergrass. AYES: Council Members Blackwelder, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: Council Member Carbone, ABSTAIN: None. Motion Carried.

AGENDA ITEM 8, OLD BUSINESS

- A. City Engineer Richard Simonitch reported that staff is working with the Community Development Department on the CDBG grant to come up with a conceptual plan for the parking lot, and additional ADA access at the park and City Hall. This will be further addressed at the April 4th Council meeting. The P.G.&E. application regarding the street lights in front of the Independent is still in process. The desalination plant report was received with good mid-month numbers at 11AF of water produced. The plant had been shut down for a few days due to maintenance of high pressure that Cal-Am is addressing.

City Attorney Jim Heisinger reported that there are six bills pending in the legislature regarding Redevelopment Agencies. One of those bills, AB 1585 will be heard tomorrow, and would reinforce the City's situation in regard to the debt owed from the Redevelopment Agency to the City by changing the definition of the enforceable obligation. A similar bill in the Senate, SB 654, was passed over to the Assembly. Four other Bills in the Senate still pending, deal with housing and a variety of issues regarding affordable housing.

City Administrator Steve Matarazzo reported that he met in Marina earlier today to talk about Oversight Boards. The Oversight Boards would have to bless everything regarding the monies the City will receive from the Redevelopment Agency. City Staff will be responsible for setting up the time and location for the first Oversight Board meeting. As the City Attorney mentioned, there is legislation moving forward that would help a number of agencies.

AGENDA ITEM 9, NEW BUSINESS

- A. City Administrator Steve Matarazzo reported that he received a letter from the Orosco Group requesting that Sand City present a formal request to the Transportation Agency of Monterey County (TAMC) to lease a portion of property located within TAMC's right-of-way. The Orosco Group is also requesting that they be permitted to have a long term sub-lease with the City to provide additional parking at the Independent should a lease agreement move forward. It is recommended that the City Council direct staff to meet with TAMC staff to determine the amount of leasable area that TAMC can provide for off-site parking purposes and to determine the terms, conditions and costs of the lease.

8:35 P.M. Floor opened for Public Comment.

Sand City resident and property owner, Roy Meadows commented that the Council take into consideration the change proposed at the entrance to and from the Independent at Orange Avenue and the railroad-right-of-way, and the possibility of traffic impacts at Orange and Contra Costa Street.

There was Council discussion regarding the fencing at the property and who would be responsible for the installation of the fence.

8:39 P.M. Floor Closed to Public Comment.

The Council gave direction to the City Administrator to work with TAMC regarding a long-term lease for property located within TAMC's right-of-way.

- B. There was Council consensus approving the dates for the upcoming 2012 City Events.
- C. This item was taken out of order. There was Council consensus to reschedule the Next Council meeting to Wednesday, April 4, 2012 for the purpose of holding a Public Hearing regarding a Community Development Block Grant (CDBG) Application.
- D. The City Clerk brought to the Council's attention the upcoming 2012 Legislative Action Days to be held in Sacramento on Wednesday April 25-Thursday April 26. There were no RSVP's.

AGENDA ITEM 10, CLOSED SESSION

8:42 P.M.

- A. City Council /Agency Board to adjourn to Closed Session:

1) To confer with Legal Counsel regarding pending litigation in accordance with

Section 54956.9(c) of the Ralph M. Brown Act,

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

b) *Security National Guaranty, Inc. v. California Coastal Commission*

c) *Sierra Club v. MPWMD (SNG as real party in interest)*

d) *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*

8: 49 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(a & d).

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn the meeting was made by Council member Hubler, seconded by Council Member Kruper to a Special Meeting on Friday March 23, 2012 at 5:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:50 p.m.


Linda K. Scholink, City Clerk