

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

Special Meeting – April 4, 2012
7:00 P.M.
CITY COUNCIL CHAMBERS

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

The invocation was led by Reverend Carl 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
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 included a list of possible conflicts for tonight's meeting, handouts for 7A, 9A, and Closed Session item 10A (1d).

B. Oral

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

There were no public comments.

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. There was no discussion regarding approval of the Sand City Council Meeting Minutes, March 20, 2012.
- B. There was no discussion regarding the approval of the City **Resolution** approving Time Extensions to July 31, 2012 of Multiple Conditional Use Permits (CUPs 450, 455, 503, & 505 and Coastal Development Permit 08-03 & 11-03) to continue as interim uses at their respective locations within the South of Tioga Redevelopment Project Area.
- C. There was no discussion regarding the acceptance of the City/ Redevelopment Agency Monthly Financial Report, January 2012.
- D. There was no discussion regarding the approval of the City Donation/Contribution to Seaside High School Sober Grad Night for \$200.

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 from the Consent Calendar.

AGENDA ITEM 7, PUBLIC HEARING

- A. Associate Planner Charles Pooler presented an application submitted by the Orosco Group to establish a fenced yard that fronts California Avenue, East Avenue, and Scott Street which was continued from the March 20th Council meeting. Public comments were received regarding esthetics, neighborhood parking and the impacts of establishing a storage yard in this area. Mr. Coats was present to provide the Council with an update in addressing these issues. A modification to the permit was handed out to the Council incorporating changes to address those comments made at the last meeting. Staff recommends that Condition No. 4 add a sentence stating "the fence shall be set back five feet from property line to establish landscaping and vehicular sight distance clearance at the street intersection". This would be consistent with the amendment made regarding the storage yard on Fir Avenue. Staff recommends approval of the attached resolution as amended.

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

On behalf of the Orosco Group, Geary Coats spoke to the application. He proposed to bring the back fence in another five feet. This would allow an additional four street side parking spaces to be available to the public. Secondly, on California Avenue, the fence would be brought back ten feet instead of the recommended five. This would also allow additional space behind the sidewalk for landscaping. These modifications would address concerns that were presented at the March 20th meeting.

Mayor Pendergrass commented that he still has concerns with parking and open storage. Open storage is just not inviting. He asked why the fence was needed?

Mr. Coats replied that the primary reason for the fence is to provide security. There has been illegal activity in regard to the use on the site. Public parking on the site posed a liability issue to the Orosco Group. The intent is not to hide the area with a fence, but to seek a solution for aesthetic improvement by providing some landscaping.

There was Council discussion regarding the blight that is presently there, and why open storage within the City is discouraged.

Mayor Pendergrass acknowledged the letters that were received from Sand City residents expressing their concern of a fenced area.

Sand City resident Margaret Anderson commented that the letter she submitted was regarding a different street. It addressed an eight foot high fence that does not pertain to this area. She expressed her displeasure of the location's appearance and would like to see something better.

7:15 P.M. Floor closed to Public Comment.

Mayor Pendergrass commented that he is not supportive of fenced storage in the area. It does not maintain the City's goal to remove blight.

Council Member Kruper added that he understands why the owners would like to fence it. It is private property and poses a liability for the owners. They are at least agreeable in allowing parking spaces for other businesses.

Motion to approve the City **Resolution**, by title, as amended, approving Conditional Use Permit 540 for the Orosco Group allowing only the

establishment of a perimeter fence and general storage yard on that property fronting California Avenue, East Avenue and Scott Street (APN 011-186-038 & 039) was made by Council Member Blackwelder, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Hubler Kruper. NOES: Mayor Pendergrass, Vice Mayor Carbone. ABSENT: None. ABSTAIN: None. Motion Carried.

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

- B. Associate Planner Charles Pooler presented an application submitted by Mike Sweeney, representing Pacific Throttle House, LLC., for coastal development and conditional use permits for a sports and exotic car specialty race and tuning facility at 1807 Contra Costa Street. There will be no body work or painting on site. The applicant intends to showcase various collector and sports vehicles within the front of the building. The zoning code requires four parking spaces for each of the three work bays for minor automotive uses. Staff recommends, as a permit condition, that the property owner provide the City a written guarantee for the twelve parking spaces required by the code. It is further recommended that transport trailers be prohibited from utilizing Contra Costa Street or California Avenue for loading/unloading activities. In order for this use to be compatible with the area, limitation of the operation to the scale identified by the applicant is essential to differentiate it from being a general automotive use and to mitigate potential impacts. The Fire Department commented that there should be a two hour occupancy separation between the upper level and lower level due to the upper level residential units. It is recommended that this permit have a one year time limit, with a single one year time extension thereafter. Staff recommends approval of the permit based on the following: 1) that the permit have a time limit, 2) the scale of the operation be limited, 3) the property owner provide written guarantee that his client will have the recommended parking, 4) the permit prohibit any street parking of any of the vehicles, and 5) the property satisfies a verified building and occupancy code inspection. Without these provisions, Staff would recommend a denial of the permit. Mr. Pooler added that a modification be made to Condition No. 5 to read 12 spaces instead of 15.

7:25 P.M. Floor opened for Public Comment.

The applicant Mike Sweeney commented that he understands the impacts associated with the blocking of the City's major thoroughfare. They have additional storage located on Shasta, and can unload any large trailers there. He explained that the business has two main

services, one of which is the traditional care of vintage race cars, and the second is the tuning aspect that requires a laptop to upload files onto the cars. He also mentioned that the landlord would notify the upper level tenants of the proposed use. Mr. Sweeney was in agreement with the conditions of the permit.

Council Member Kruper made a request that the compressor be turned off during non-business hours. This generates a problem with other businesses in the City that run their compressors during non-business hours. Mr. Kruper asked the applicant if there will be any dumpster waste.

Mr. Sweeney replied that he does not anticipate any waste requiring a dumpster.

7:40 P.M. Floor closed to Public Comment.

Mayor Pendergrass expressed his concern regarding the number of automotive uses already within Sand City, the possible impacts to the residents located in the area, and possible traffic congestion.

Motion to approve the City **Resolution** by title, as amended, approving Conditional Use Permit 543 and Coastal Development Permit 12-02 authorizing a Specialized Automotive Service at 1807 Contra Costa Street was made by Council Member Kruper. The motion to approve the permit died due to a lack of a second motion. Staff will present a resolution for conditions of denial at the next Council meeting.

{Council Members Blackwelder and Hubler returned to the dais}

- C. City Administrator Steve Matarazzo announced Jim Carney from Pacific Municipal Consultants, who was instrumental in compiling the Community Development Block Grant Application (CDBG) to convert the old corporation yard into a parking lot. This project is intended to benefit the Civic Center, and to add additional parking for City Hall. He stated that the first public hearing was held on March 5, 2012 to consider this CDBG grant application. A conceptual parking design was presented to the Council. Owner participation is required to move forward with any proposed street improvements. Staff recommends approval of the attached resolution approving an application for funding and the execution of a grant agreement.

Jim Carney commented that the resolution before the Council is regarding a Community Development Block Grant Allocation that will be submitted to the State Housing and Community Development Department in Sacramento. This is a very competitive grant to be categorized under Public Facilities which will be rated amongst other

smaller agency applications who desire to improve their parks, parking and community rooms. He cannot predict what the outcome of the application will be. Additional information is provided in the resolution.

Mayor Pendergrass commented that this is Phase IV of the City Hall remodel. The previous projects included the construction of the small plaza, monument sign, the employee rear parking lot and the lighting in the community room.

There was Council discussion whether the application had a provision on where an electric vehicle charging station may be installed and if that would help the application approval.

Mr. Carney said that it would not hurt the application, but it is not a high priority need as far as meeting the grant's criteria. What does assist the grant criteria is the provision of handicapped spaces. Street improvement grants are available, and it must show how it would benefit the public.

Motion to approve the City **Resolution** approving an application for funding and the execution of a grant agreement and any amendments thereto from the 2012 Allocation of the State Community Development Block Grant (CDBG) Program was made by Mayor Pendergrass, 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

City Engineer Richard Simonitch reported that the desalination plant was inoperable for 9 days due to repairs made by CalAm regarding the high pressure issue on the pumps. For the twenty two days that the plant was in operation, it produced 20.4 AF. Staff has contacted P.G. & E for a field meeting regarding the street lights on Ortiz Avenue. Mr. Simonitch tried to locate the electrical drawings that connected those lights, and after extensive research, it seems that no drawings existed. The next course of action would be to meet with P.G. & E to figure out how it is wired. The field representative is ready to discuss and develop a plan on how to install the meters.

AGENDA ITEM 9, NEW BUSINESS

- A. Monterey-Salinas Transit (MST) General Manager Hunter Horvath reported on the status of the design for the MST bus shelters. He anticipates that the MST Board will consider the bid award contract at their May 14, 2012 meeting. Part of the bid does include a

requirement for continued temporary public access in, and around, the construction area. The project at the Sand City Playa Avenue station will improve the shelters, sidewalks, benches and trash cans. A grand beautification of that area is also planned. Construction is anticipated to start around the summer, dependent upon permit approval. Activity will be shifted to the bus shelter near Sports Authority while the project is underway at the Savemart site. MST's marketing representatives are currently working on a website to show a conceptual design of the remodeled bus shelters. In order to provide a distinctive impression of the Jazz theme, the concrete will be replaced with decorative granite, and accents under the shelters will contain a variety of colored glass.

There was Council consensus to move forward with the MST Bus Shelter Improvement Project.

- B. There were no additional responses to the upcoming meeting and events.

AGENDA ITEM 10, CLOSED SESSION

8:10 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*
- e) *Discussion of Enforceable Obligations with Successor Agency to the Redevelopment Agency*

8:57 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 10 A1 (a,b,d & e).

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Blackwelder,

seconded by Council Member Kruper to the next regularly scheduled Council meeting on Tuesday, April 17, 2012 at 7:58 P.M There was unanimous consensus of the Council to adjourn the meeting at 8:58 P.M.



Linda K Scholink, City Clerk