

MINUTES

JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – January 18, 2011
7:00 P.M.
CITY COUNCIL CHAMBERS

Mayor Pendergrass opened the meeting at 7:01 p.m.

The invocation was led by Reverend Robert 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
Richard Simonitch, City Engineer
Michael Klein, Chief of Police
Connie Horca, Deputy City Clerk/Administrative Assistant

AGENDA ITEM 4, COMMUNICATIONS

A. Written communication distributed to the Council was a revised Parking Ordinance (Agenda item 8A) with changes to be discussed under Public Hearings.

B. Oral

7:04 p.m. Floor Opened for Public Comment.

There was no comment from the public.

7:04 p.m. Floor Closed to Public Comment.

AGENDA 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 Permits to the City Council based on the finding that these uses are in compliance with their permits. There was no discussion of the following use permits.

- (1) CUP #110, Standard Transmission Service (auto Body), 531 Shasta Avenue
 - (2) CUP # 179, Roy Hubbard (2nd Floor Residential), 542 Ortiz Avenue
 - (3) CUP #238, Just Andy Auto Repair (auto Repair), 465-A Olympia Avenue
 - (4) CUP #344, Thomas Felix (Woodwork Shop), 672-A Dias Avenue
 - (5) CUP #375, J&D Auto (Auto Repair), 1695 Contra Costa
 - (6) CUP #401. Kyle Racing engines (Motorcycle Engine Assembly), 801-B California Avenue
 - (7) CDP #01-01, Monterey Mattress Company (Mattress Manufacturer, Showroom), 1805 Contra Costa
- B. There was no discussion of the Sand City Council Meeting Minutes, December 7, 2010.
- C. There was no discussion of the acceptance of the Police Department Monthly Report, November 2010, December 2010, Annual Police Activity Report 2010.
- D. There was no discussion of the acceptance of the Public Works Monthly Report, November 2010 & December 2010.
- E. There was no discussion of the approval of the City/Redevelopment Agency Financial Report, November 2010.
- F. There was no discussion of the acceptance of the Monthly Fort Ord Reuse Authority (FORA) Report, December, 2010.
- G. There was no discussion of the approval of City **Resolution** making re-appointment of Andy Briant and new appointment of Jerry Lomax to the Sand City Design Review Committee until January of 2013 (Briant & Lomax).
- H. There was no discussion of the approval of City **Resolution** approving 90 day time extensions of multiple Conditional Use Permits (CUP's 450, 455, 473) and Coastal Development Permit 08-03 to continue as interim uses at their respective locations within the South of Tioga Redevelopment Project Area.
- I. There was no discussion of the approval of the City **Resolution** authorizing continued Banking Services Agreement(s) with Rabobank.
- J. There was no discussion of the approval of the City **Resolution** approving a Budget for the 2011 West End Celebration Event.
- K. There was no discussion of the approval of the City **Resolution** authorizing renewal of Financial Consulting Agreement with Annette Yee & Company.
- L. There was no discussion of the approval to send the CPUC a Support Letter regarding the continued Water District User Fee for the Carmel River Mitigation Program and ASR Project.
- M. There was no discussion of the approval of City **Resolutions** honoring Monterey County Business Council's Economic Vitality Awards Recipients.

- 1) Harry Weis – Health/Wellness
- 2) Dr. Marcia McNutt – Research
- 3) Graniterock – Building
- 4) Myron Etienne Jr. – Arts
- 5) Rocket Farms – Agriculture
- 6) Pebble Beach Company – Tourism
- 7) Sunder Ramaswamy - Education

- N. There was no discussion of the approval of the City Donation/Contribution to 2011 Monterey County Fair - \$500

Motion to approve the Consent Calendar items was made by Council Member Blackwelder, seconded by Council Member Carbone. 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. Jim Vossen, the newly elected President of the Seaside-Sand City Chamber of Commerce presented a membership plaque, to the City Council, thanking them for their continued support. He also introduced the Past President and Board Member Patrick Orosco who has been his mentor and source of inspiration.

Mayor Pendergrass thanked Mr. Vossen for the plaque and pledged Sand City's on-going support.

AGENDA ITEM 8, PUBLIC HEARINGS

- A. Chief of Police Michael Klein presented an overview of the current parking issues in Sand City. A few issues associated with non permitted businesses are the parking of 8-10 trailers throughout the City and the operation of these trailers out of storage units. There are also 15 different large trucks parked along California Avenue and the East Dunes area. Construction equipment also appears along Contra Costa Street by TAMC's property. Several complaints have been received by the Police Department regarding motorhomes occupied by homeless individuals being parked throughout the City, especially along West Bay Street and Tioga Avenue. Another issue involves permitted businesses that operate in Sand City who have an excessive amount of vehicles. These excess vehicles are seen parked along the City's streets, and are not being used during the course of business activities.

Chief Klein distributed a photograph of a 50' length vehicle. He asked the Council to consider how many vehicles should be allowed to park along the public right of way, and if the permitted use would be limited to 2 vehicles per business.

The Council discussed whether each business should have a permit to park their vehicles along City streets, and if they should indicate on their business license application the number of vehicles they plan to operate while conducting their business.

Mayor Pendergrass commented that many of these businesses have use permits, and suggested that Staff take a look at these permits to ensure that they are in compliance. The primary concerns are that unhitched vehicles, and large vehicles are being parked; making the use of City streets for storage.

City Administrator Steve Matarazzo remarked that more recent use permits do contain language with regard to vehicles and parking space. However, permits that have been issued over twenty years ago may not contain such language.

City Attorney Jim Heisinger added that during the annual review of conditional use permits, this issue can be addressed.

The Council further discussed that the ordinance should cover every business, and contain a level of discretion that would govern specific exceptions. A blanket ordinance may not work as each business operation is different.

Council Member Blackwelder commented on the consideration of signage throughout Sand City in relation to prohibited parking.

The City Attorney stated that the rules must be clearly stated on the signage with the regulation, and these signs must be posted at all entrances into Sand City.

The Council also discussed the issuance of residential parking stickers to Sand City resident's who have more than 2 vehicles.

- 8:21 P.M. Floor Opened for Public Comment.
There was no comment from the Public.
8:21 P.M. Floor Closed to Public Comment.

The Council was in agreement to move the First Reading of the City Ordinance amending Title 10 of the Municipal Code relating to the regulation of trailers, dumpsters, storage bins, and oversized vehicles and establish a parking permit program to the February 15 City Council meeting so that the Ordinance may be further reviewed.

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

- B. City Administrator Steve Matarazzo presented for Council's consideration, a City resolution approving Site Plan Permit 11-01 and Coastal Development Permit 11-01 to relocate the Public Works Corporation Yard on property located at 320 Elder Avenue and 351 Shasta Avenue. The location was formerly occupied by Gostaninan General Building, and has an office trailer for use. The property

would contain a small kennel on site for stray animals, storage bins, and public works vehicles. Staff suggests that the trailer be painted a grey tone to match the desalination plant. As a "good neighbor" type of condition, number 4 of the site plan permit reads: *The property shall maintain a fence, not to exceed eight (8) feet in height. Fencing shall incorporate chain link with vinyl slats or other form of effective screening, subject to final approval by the Community Development Department. For long-term, effective visual screening of storage areas, the property will provide an attractive masonry wall or wood fence, subject to the future development of the surrounding neighborhood. This additional screening will be required when the neighboring property directly to the east is redeveloped with totally new structures. The additional screening may also occur sooner than this "triggering event", based on future budgetary consideration by the City Council.* Staff recommends approval of the site plan permit and coastal development permit.

City Engineer Richard Simonitch commented that a contractor has been notified to give the City some quotes for the construction of a retaining wall.

Chief Michael Klein added that with additional grading and a retaining wall, it would allow more space for other uses and increase the footprint for the public works corporation yard.

- 8:30 P.M. Floor Opened for Public Comment.
There was no comment from the Public.
8:30 P.M. Floor Closed to Public Comment.

Motion to approve the City **Resolution** approving Site Plan Permit 11-01 and Coastal Development Permit 11-01 to establish a Public Works Corporation Yard on property fronting 320 Elder Avenue and 351 Shasta Avenue was made by Council Member Kruper, seconded by Council Member Carbone. AYES: Council Members Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSTAIN: Council Member Blackwelder. ABSENT: None. Motion Carried.

{Council Member Blackwelder returned to the dais}

AGENDA ITEM 9, OLD BUSINESS

- A. City Engineer Richard Simonitch reported that the desalination plant is running well. Water production at the plant is on track and will reach the 25 acre per feet goal. Cal-Am's operator is aware that should any issues occur, they may be directed to the City Administrator.

CalTrans has submitted their preliminary comments regarding the Bike/Pedestrian path extension at the Tioga overpass. It is being presently reviewed by the City Engineer. P.G. & E. will be contacted by City staff regarding the phone lines that are pending relocation at the end of Elder Avenue.

Vice Mayor Carbone reported on the overgrowth of shrubbery along the sidewalk in front of the Graniterock site. The plants need to be trimmed so that

pedestrians can walk along the sidewalk.

8:38 pm Floor opened for Public Comment.

Sand City resident Carol Meadows commented that Graniterock has done a beautiful job of landscaping their location. She spoke with Graniterock and they would like to remove the bushes and fill the holes. It has been apparent from personal experience that the sidewalks are impassable and pedestrians have to walk on the street to avoid the bushes.

8:40 pm Floor Closed to Public Comment.

Council Member Blackwelder suggested to staff that landscaping plans for Graniterock be reviewed.

Mayor Pendergrass added that the Public Works Department will coordinate with Graniterock to trim the bushes so the sidewalk can be used.

City Administrator Steve Matarazzo reported that a draft report to members of the Southern Monterey Bay Coastal Erosion Group, suggested that Sand City would be a likely candidate for transferable development credits. Staff does not agree with this suggestion, and will be sending comments that Sand City is not an ideal location for this.

Vice Mayor Carbone reported on the success of the gift distribution during the holidays. Police Officer Veronica Stevenson did a great job of coordinating the event. The Vice Mayor distributed photo albums to the City Council, and thanked them for their participation.

AGENDA ITEM 10, NEW BUSINESS

- A. City Administrator Steve Matarazzo presented, for Council's consideration, the Redevelopment Agency Resolution allocating certain Housing Set Aside Funds to the Supplemental Educational Augmentation Fund (SERAF). Two years ago, the State passed AB x426 requiring redevelopment agencies to make certain payments to its County Supplemental Educational Revenue Augmentation Fund. Sand City's RDA paid the State \$568,092 during the first year "takeaway". These funds were borrowed from the RDA housing set-aside fund. For the second year, the City's Redevelopment Agency needs to pay the State \$116,960. Staff recommends that these monies be borrowed again from the RDA housing set-aside fund. The Agency has 5 years to backfill the account, which will need to be re-paid no later than June 30, 2016. Staff will report on Governor Brown's proposal to eliminate Redevelopment Agencies at the February 1 Council Meeting.

Motion to approve the Redevelopment Agency **Resolution** allocating certain Housing Set Aside Funds to the Supplemental Educational Augmentation Fund (SERAF) was made by Agency Member Hubler, seconded by Agency Member Kruper. AYES: Agency Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- B. The City Administrator commented that the informational report from LAFCO indicates that Sand City is sustainable and thriving.
- C. The Deputy City Clerk informed the Council of the MCBC Business Luncheon on Friday, January 28, 2011. There were no additional RSVP's.

AGENDA ITEM 11, CLOSED SESSION

{Council Member Blackwelder stepped down from the dais due to a possible conflict of interest by residing within 500' of the subject property for discussion (item A(2))}

8:55 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) *CalAm v. Seaside*
 - b) *State Water Resources Control Board Order WR 2009-0060*
 - c) *Monterey Peninsula Water Management v. State Water Resources Control Board (No. M102101)*
 - d) *CalAm v. State Water Resources Control Board*
 - e) *Security National Guaranty, Inc. v. California Coastal Commission*
 - f) *Sierra Club v. MPWMD*
 - 2) To confer with Real Property Negotiator regarding sale of City owned property Government Code Section 54956.8

<i>Property Address/Description:</i>	<i>John Street Lots, APN #011-177-009</i>
<i>City Negotiator:</i>	<i>Steve Matarazzo, City Administrator</i>
<i>Negotiation Parties:</i>	<i>Bella Mare Investments, LLC</i>

9:01 P.M.

- B. Readjourn 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.

There was no action taken on items A1 (a-f). Direction was given to City Negotiator, Steve Matarazzo, item A2.

AGENDA ITEM 12, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Hubler, seconded by Council member Carbone to the next regularly scheduled Council meeting on February 1, 2011, at 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 9:02 p.m.



Connie Horca, Deputy City Clerk