

# **MINUTES**

## **JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY**

---

Regular Meeting – February 15, 2011  
7:00 P.M.  
CITY COUNCIL CHAMBERS

---

Mayor Pendergrass opened the meeting at 7:00 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 (excused absence)  
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  
Charles Pooler, Associate Planner

### **AGENDA ITEM 4, COMMUNICATIONS**

- A. Written communication distributed to the Council was information regarding future dates for Sand City Events, information on the upcoming Monterey Peninsula Chamber Mixer, and suggested revisions to Public Hearing Agenda item 7B regarding the proposed Parking Ordinance.
  - 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.

### **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 of the following use permits.

- (1) CUP #212 Nicholas Olivio, (Recording Studio), 1745 Hickory Street,
- (2) CUP #448, Mike Houser, (Shirt Printer), 542 #4 Ortiz Avenue
- (3) CUP #471, Peninsula Hydrolics, (Contractor), 749 Dias Avenue
- (4) CDP #98-01, James Davi, (Contractor), 1815-E Contra Costa Street
- (5) CDP #07-01, Sato Racing, (Wholesale), 2-John Street

- B. There was no discussion of the Sand City Council Meeting Minutes, February 1, 2011.
- C. There was no discussion of the acceptance of the Public Works Monthly Report, January, 2011.
- D. There was no discussion of the acceptance of the Police Department Monthly Report, January, 2011.
- E. City **Resolution** confirming members of the Sand City Arts Committee and new appointment of Patrick Orosco to the Sand City Arts Committee was pulled from the consent calendar for further discussion.
- F. There was no discussion of the City **Resolutions** recognizing the NAACP Spirit of Partnership Awards Recipients 1) Coca-Cola Company, and 2) Pepsi Corporation (PEPSICO).
- G. There was no discussion of the City **Resolutions** honoring Mrs. Jackie Craghead as the NAACP's 2011 President's Award Recipient.
- H. There was no discussion of the City **Resolution** honoring Reserve Police Officer Dennis Alexander, Sand City's 2010 Police Officer of the Year.
- I. There was no discussion of the City **Resolution** authorizing participation in an Inter-Agency Agreement between the Monterey County Behavioral Health Crisis Negotiation Team (BHCNT), the Monterey County Health Department and Peace Officers for Crisis Intervention.
- J. There was no discussion of the City **Resolution** amending the Parking Fine Fee Schedule.
- K. There was no discussion of the City/Redevelopment Financial Report, January 2011.
- L. There was no discussion of the City Donations/Contributions to Seaside Pony Baseball for \$500 and to Seaside High School PTSA "Sober Grad Night" for \$200.

Motion to approve the Consent Calendar items 5(A-D), and 5(F-L), was made by Council Member Blackwelder, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Carbone, Kruper, Pendergrass. NOES: None. ABSENT:

Council Member Hubler. ABSTAIN: None. Motion Carried.

## **AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR**

Agenda item 5E was pulled from the Consent Calendar for further discussion and consideration by the Art Committee, and will be continued to a future Council meeting.

## **AGENDA ITEM 7, PUBLIC HEARINGS**

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

- A. Associate Planner Charles Pooler presented for Council's consideration, an application submitted by E.J. Kolb to utilize a segment of an existing commercial building at 495 Elder Avenue for a telephone service/repair business. The property is a two level multi-tenant commercial building with eighteen (18) parking spaces on-site with another fifteen (15) parking spaces across the street. The applicant's proposed use for the 850 square foot unit will be for dispatching service technicians and store equipment and materials for their contract work. Materials to be stored include communication cables & hardware, phone jacks and the like. No on-site manufacturing or assembly will be conducted at the location. There will be two company vehicles that will go home with the employees after business hours. This is a low impact use appropriate for the mixed-use West End district with no foreseeable negative impacts. Staff recommends approval of the conditional use permit.

7:09 p.m. Floor Opened for Public Comment.

There were no comments from the Public.

7:09 p.m. Floor Closed to Public Comment.

Council Member Kruper asked the applicant if the dumpster located on the property was large enough to contain any waste materials generated by the business.

The Applicant, Mr. E.J. Kolb commented that there should be no additional waste generated by the business other than normal office waste and cables. He is in agreement with the conditions of the use permit.

Motion to approve the City **Resolution** approving Conditional Use Permit 513 allowing a Telephone Service Contractor Operation at 495-C Elder Avenue was made by Council Member Kruper, seconded by Council Member Carbone. AYES: Council Members Carbone, Kruper, Pendergrass. NOES: None. ABSENT: Council Member Hubler. ABSTAIN: Council Member Blackwelder.

***{Council Member Blackwelder returned to the dais}***

- B. City Administrator Steve Matarazzo presented for first reading, a City Ordinance amending Title 10 of the Municipal Code to include Sections 10.08.040 prohibiting and limiting the Parking of Specified Vehicles, Storage

Bins and Trailers on Public Roadways (this item continued from the January 18, 2011 Council Meeting). On December 7<sup>th</sup>, a workshop was conducted to address the issues of trailers, oversized and recreational vehicles parked along City streets, particularly on California and Tioga Avenues. Based on that workshop, an Ordinance was drafted and brought before the Council at the January 18<sup>th</sup> Council meeting. After a half hour discussion, Council directed Staff to make revisions of the Ordinance addressing certain issues. The Ordinance brought before the Council tonight addresses attached and detached trailers. It also prohibits oversized vehicles from being parked on streets other than for the purpose of loading and unloading. Recreational vehicles are prohibited from parking on most streets. Staff also suggests that a new definition of paragraph 8 to Section 10.08.040B be added to read: "8. *Recreational vehicle*" shall mean any vehicle designed to be used on a public street which is capable of human habitation for camping or recreational purposes or any vehicle with a structure mounted on it to provide facilities for human habitation or camping purposes." The Ordinance title would also be changed to include Section 10.08.050, added to recognize permit parking. Permit parking would allow the Community Development Department discretion in issuing parking permits to those individuals who apply for new conditional use permits.

There was Council discussion of whether this Ordinance would address the parking issues of older businesses who do not have vehicle or parking restrictions contained in their use permits. As new uses are proposed, the Council will have a chance to review these uses. The Mayor added that new uses should be carefully reviewed by Council to ensure that there is a correlation between the permit requirements and business compliance. City Administrator Steve Matarazzo mentioned that the proposed Ordinance would also address older permits by having the ability to limit the amount of parking stickers issued.

Council Member Blackwelder addressed the issue of parking fines and fees that will be charged to illegally parked vehicles. The consent calendar contained a resolution that amended the parking fine schedule of fees that are consistent with other Peninsula jurisdictions. This should be a disincentive to businesses that park illegally, and do not move their vehicles after receiving a warning. Police Chief Michael Klein added that after 5 consecutive days and 5 citations, the Police Department may tow vehicles should the owner of the vehicle choose not to comply.

Council Member Kruper commented on residents who have visitors with 2 vehicles and a motorhome that come into the City. Police Chief Klein responded that the resident would need to notify the Police Department that they plan on having a vacationing visitor to avoid being cited for temporarily parking their recreational vehicle.

The Council further discussed the language of the signs that need to be placed at the entrances to Sand City. Police Chief Klein addressed the issue of placing specific signs throughout the City. Deliveries and drop-offs are excluded from being citable. A suggestion was made by Council Member Blackwelder that the sign may read, "Long term parking is not allowed of commercial vehicles of any kind". The City Attorney added that these signs

must be placed at all entrance points to the City, and should contain some level of detail to incorporate and define the prohibitions in sub-section 6 of the Ordinance. The sign issue can be brought before the Council at a future Council meeting for approval of the proposed sign language.

There was further Council discussion regarding residents that may have relatives visiting from out of town who own a motorhome parked on public streets. Police Chief Michael Klein commented that the Ordinance does not address this concern. The resident needs to notify the Police Department if such a visit is for a period of more than four days.

City Administrator Steve Matarazzo suggested adding language to read: "Visitors of residents with recreational vehicles shall be allowed temporary street parking for a maximum period of four (4) days."

The City Attorney clarified the proposed amendments to the City Ordinance to include the following change to the Title of the Ordinance to read," An Ordinance adding Section 10.08.040 and 10.08.050 to the Municipal Code of the City of Sand City Prohibiting the Parking of Specified Vehicles and Trailers on Public Roadways and Providing for Parking by Permit. The first change to the text is to add a heading to 10.08.040 entitled: Prohibited Parking. The second change is in paragraph six (6) to strike the words vehicle and recreational from that definition. The third change is to add a section in paragraph eight (8) to read: "Recreational vehicle" shall mean any vehicle designed to be used on a public street which is capable of human habitation for camping or recreational purposes or any vehicle with a structure mounted on it to provide facilities for human habitation or camping purposes.' The fourth change is to add a sentence in paragraph D4 on page 96 of the agenda packet to the extent that, "Visitors or residents with recreational vehicles shall be allowed temporary parking for a maximum period of up to four days".

8:03 p.m. Floor Opened for Public Comment.

There were no comments from the Public.

8:03 p.m. Floor Closed to Public Comment.

Motion to approve the City Ordinance by Title as amended was made by Council Member Blackwelder, seconded by Council Member Kruper. Roll Call Vote, AYES: Council Members Blackwelder, Carbone, Kruper, Pendergrass. NOES: None. ABSENT: Council Member Hubler. ABSTAIN: None.

## **AGENDA ITEM 8, OLD BUSINESS**

- A. City Engineer Richard Simonitch reported that AT&T has moved the poles on Elder and placed their telephone communications line on the joint poles set up by P.G. & E. They have also reconstructed the concrete for appropriate pedestrian access and ADA compliance. The Coastal Commission has deferred their approval to Sand City's LCP regarding the pedestrian crossing at Tioga. A "biological letter" is now required. Improvements for the Bike Path interconnect can now be submitted to Cal-Trans for their approval. Staff has not decided whether the City's Public Works Department will work on the project or if it will be go out to bid. The City Engineer is preparing bid

documents for the retaining wall, relocation of the trailer, and the installation of a cyclone security fence regarding the Public Works Corp yard. Project costs are estimated at \$75,000 -\$80,000 dollars, and will go out for public bid. Staff should have documents ready for Council review some time in March.

City Administrator Steve Matarazzo added that the biological report that CalTrans needs for the portion of the pedestrian interconnect has been conducted by Mike Zander. Staff is expecting a letter report within the next couple of days.

City Attorney Jim Heisinger reported that he has received an updated report from the Water Management District regarding Sand City's Water Entitlement document. A call from the District counsel's office confirmed that they will be sending these documents in the next few days.

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

- A. Chief of Police Michael Klein presented for Council's consideration, a City Resolution authorizing participation in an Agreement to Share Costs of Operation and Maintenance Associated with the Countywide Telephone Emergency Notification System (TENS). The TENS system was developed to create an automated telephone system that provides emergency notification to residents and businesses concerning their safety. Although the coastal community may not experience a wildfire issue, there are still hazmat events, flash floods and the possibility of tsunami issues. Participation in the system would allow the public to be notified of major accidents along Highway One as well any emergencies that could occur within the surrounding communities. The cost for Sand City is prorated on a per capita basis for which FY 2010-2011 will be \$130.84. Staff recommends participation in the TENS system and approval of the attached resolution.

Mayor Pendergrass commented that participating in the TENS system would be of benefit to Sand City residents as well as businesses in the event of an emergency.

Motion to approve the City **Resolution** authorizing participation in an agreement to share costs of operation and maintenance associated with the Countywide Telephone Emergency Notification System (TENS) was made by Council Member Kruper, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Kruper, Pendergrass. NOES: None. ABSENT: Council Member Hubler. ABSTAIN: None. Motion Carried.

- B. City Administrator Steve Matarazzo presented, for Council's consideration, a Joint Resolution of the Sand City Redevelopment Agency and the City of Sand City to establish a Housing Set-Aside Account within Sand City's General Fund, and directing the Redevelopment Agency to transfer current and future RDA housing set-aside funds into a special reserve account of the City's General Fund. Considering the fiscal condition of the State of California, other agencies have made similar proposal's to safeguard their monies. Our Redevelopment Agency would be required to pay funds into the City account on an annual basis. The City fund would have the same requirements contained in the California Redevelopment Law that requires 20

percent of the tax increment acquired by the RDA to be reserved for the “increasing, improving, and preserving the community’s supply of low and moderate-income housing...”. This fund would also assist the City in meeting its obligations determined by the Housing Element of the General Plan. Staff recommends approval of the Joint City and Redevelopment Agency resolution.

Motion to approve the Joint **Resolution** of the Sand City Redevelopment Agency and the City of Sand City establishing a Housing Set-Aside Account within the General Fund of the City of Sand City and directing the Redevelopment Agency to transfer its funds within the RDA Housing Set-Aside Account into said City account on an annual basis was made by Council Member Blackwelder, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Carbone, Kruper, Pendergrass. NOES; None. ABSENT: Council Member Hubler. ABSTAIN: None. Motion Carried.

- C. Mayor Pendergrass opened for discussion the report conducted by the Legislative Analyst’s Office dated February 7, 2011 that he received at his meeting with AMBAG last week. Assembly Member Alejo gave a presentation on the budget regarding the Governor’s Proposal.

City Administrator Steve Matarazzo added that what the California Redevelopment Association says is a good point to make. Typically a Governor’s January budget proposal is seen as a starting point for negotiations with the legislature. In the proposal regarding the elimination of redevelopment agencies, the California Redevelopment Association states, “this proposal raised constitutional questions, including compatibility with: Article XVI, section 16 of the California Constitution which established tax increment financing and requires tax increment to be paid to redevelopment agencies; Article XIII, section 25.5 (Proposition 1A and 22) that prohibits legislation requiring the transfer of tax increment to the State, any agency of the State, or any local jurisdiction; and State and Federal constitutional provisions prohibiting legislation impairing the obligation of contracts.” The first two are significant constitutional safeguards, and the legislative analyst synopsis expressed that Prop 22 was passed in 2010, when in fact, it was only passed a few weeks before the Governor made his proposal.

Mayor Pendergrass mentioned that larger cities approached Sacramento concerned about this legislation, but there is no pending bill to take action on the Governor’s proposal. There is a pending lawsuit still in court, to obtain reimbursement on the State raid of the City’s redevelopment funds last year.

- D. The Deputy City Clerk brought to the Council’s attention the upcoming Monterey Peninsula Chamber of Commerce Annual Awards Banquet to be held on Saturday, March 5, 2011. Mayor Pendergrass, Vice Mayor Carbone and Council Member Kruper indicated that they will be attending.

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

The City Attorney deemed that there was no need for closed session.

## **AGENDA ITEM 11, ADJOURNMENT**

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Kruper to the next regularly scheduled Council meeting on March 1, 2011, at 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:32 p.m.



---

Connie Horca, Deputy City Clerk