

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – March 1, 2011
7:00 P.M.
CITY COUNCIL CHAMBERS

Mayor Pendergrass opened the meeting at 7:00 p.m.

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
Charles Pooler, Associate Planner

AGENDA ITEM 4, COMMUNICATIONS

A. Written communications distributed to the Council were a letter from William Taormina regarding Agenda item 8B, and the 2009 Annual Report from the Transportation Agency for Monterey County (TAMC).

B. Oral

7:03 p.m. Floor Opened for Public Comment.

Carol Meadows, Sand City resident and property owner, thanked the Mayor and Council for eliminating the bushes that were obstructing the sidewalk in front of Graniterock.

Don Difetti, Sand City resident, petitioned the Council to see if a street light can be installed between 742-724 Dias Street. After speaking with his neighbors, they agreed that a street light would be a good addition to the neighborhood since the location is very dark. The only light in the area is generated by Mr. Doffetti's porch light.

Mayor Pendergrass commented that the City will look into the issue. He encouraged the residents to contact the Police Department should any incidents occur in the area.

7:05 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, February 15, 2011.
- B. There was no discussion of the acceptance of the Fort Ord Reuse Authority (FORA) Report, February 2011.
- C. There was no discussion of the City **Resolution** honoring Robert Mulford, Monterey Peninsula Chamber of Commerce 2010 Robert C. Littlefield Award Recipient.
- D. There was no discussion of the City **Resolution** honoring Sylvia Panetta, Monterey Peninsula Chamber of Commerce 2010 Citizen of the Year Award Recipient.
- E. There was no discussion of the City **Resolution** honoring the Honorable Representative Sam Farr as the Monterey Peninsula Chamber of Commerce 2010 Ruth Vreeland Public Official of the Year Award Recipient.
- F. There was no discussion of the City **Resolution** honoring Cindy Heckman, Monterey Peninsula Chamber of Commerce 2010 Volunteer of the Year Award Recipient.
- G. There was no discussion of the City **Resolution** honoring Central Coast Credit Union, as the Monterey Peninsula Chamber of Commerce 2010 "Business of the Year" Award Recipient.
- H. There was no discussion of the City Donation/Contribution to Special Olympics Northern California & Nevada for \$250.

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.

AGENDA ITEM 7, PRESENTATION

- A. Debbie Hale, Executive Director of the Transportation Agency for Monterey County (TAMC), reported on the status of highway projects in Monterey County. TAMC is working with Cal-Trans and the Monterey County on several State approved projects. There are five major projects that TAMC set as

priorities; one of which is the Salinas Road interchange, under construction for at least six months. The project consists of three new lanes over Highway One and new frontage roads on the east and west sides. The second project is the widening of the bridge over Highway 101, with new ramps constructed for Northbound traffic at the Airport Boulevard interchange in Salinas. The third project is the Prunedale Interchange that consists of three new interchange overpasses, and the closure of the remaining gaps in the medium barrier. It would also improve the San Miguel flyover with improvements to Russell/Espinosa roads, Blackie/Reese roads, and Crazy Horse Canyon/Echo Valley roads. The fourth project would be the construction of a new interchange, north of the Red Barn at San Juan Road, improving the traffic flow through Highway 101. Lastly, the widening of the Route 156 Corridor would construct four (4) lanes from Castroville to Prunedale with frontage roads to ease the McGuffie and Meridian Road traffic flow. The benefits of these projects would reduce traffic congestion during peak periods, support the Peninsula's \$2 billion per year tourist economy, and improve traffic safety at intersections. TAMC is also looking at the California Avenue extension in Sand City to redirect traffic away from the Costco parking lot in conjunction with the light rail transit station within the railroad right-of-way.

AGENDA ITEM 8, PUBLIC HEARINGS

{Council Member Hubler stepped down from the dais due to a possible conflict of interest by residing/working with 500' of the subject property}

- A. Associate Planner Charles Pooler presented an application submitted by Brizono Delfino for a martial arts training business at 648 Redwood Avenue. The applicant offers mixed martial arts training for all ages, in addition to cardio, kickboxing, dance, yoga and fitness classes. There will be three owners/operators. The facility will contain mats, punching bags, kick shields and similar martial arts related equipment. There will be occasional deliveries of martial arts uniforms and related supplies to the premises. The location provides eight (8) parking spaces, with five (5) required by code. Hours of operation would be between Noon and 8:00 p.m. Monday through Friday, and Noon to 4:00 p.m. on Saturdays. Staff recommends the permit require an adult supervisor be present at all times, and further requires prohibiting the use of the facility to host special events and/or exhibitions. The proposed use for martial arts training and various fitness classes generates little negative impacts. Staff recommends approval of the attached resolution.

The Council discussed if the amount of parking spaces at the location was adequate for the proposed use. There were also general concerns regarding exhibitions and/or events that may be held at the location.

7:31 p.m. Floor Opened for Public Comment.

The applicant, Brizono Delfino, commented that he obtained the neighboring businesses approval to use their parking facility after 5:00 pm. He does encourage his clients to drop off their children as much as possible. There will be no tournaments or events held on the premises. There is a sparring cage available for adults only, should they wish to spar. He reiterated that children are not allowed in the cage. Mr. Delfino

was in agreement with the conditions of the permit.

7:33 p.m. Floor Closed to Public Comment.

Motion to approve the City **Resolution** approving Conditional Use Permit 515 allowing a Martial Arts Training and Fitness Class Business at 648 Redwood Avenue was made by Council Member Carbone, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Carbone, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Member Hubler. Motion Carried.

{Council Member Hubler returned to the dais}

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

B. Associate Planner Charles Pooler presented an application for a site plan, architectural review, and conditional use permits submitted by Bill Taormina and John Scourkes to renovate a building at 442 Shasta Avenue. The property is 100 feet wide and 75 feet deep with an existing 3,343 square foot 1-story commercial building. The property is currently in a deteriorated condition. The project is to restore the structure and create a mixed-use property with one residence, two offices, a studio gallery for exhibiting art and collections of sports cars. An outdoor patio would be used for exhibits and private parties. The conditional use permit serves two purposes first to authorize the creation of one residential unit, and second, to authorize operation of a gallery and the hosting of gallery events. These events would be by "invitation only". A condition of the permit would require that the Police Department be notified of any special events. Staff also recommends adding a condition to prohibit general commercial auto repair, and body shop work. It does allow the applicant the flexibility of working on no more than three (3) vehicles per year solely for educational displays or video production purposes. Staff recommends that the project provide a trash enclosure able to accommodate one 2 cubic yard dumpster. The site plan indicates landscaping, however, information on plant size and species was not provided. A complete landscape plan is required prior to issuance of a building permit. The Design Review Committee is scheduled to hold a public hearing on March 3, 2011. Staff further recommended that all lots on this parcel be merged into a single lot/parcel to reflect the site's development. Staff recommended approval of the Conditional Use Permit and Site Plan Permit for the proposed project.

The Council discussed whether any of the autos and/or artwork being displayed will be for sale, and if the conditional use permit would prohibit the applicant from selling any artwork from his gallery. There were additional concerns regarding the storage of fuel within the building.

7:53 p.m. Floor Opened for Public Comment.

Project Architect, John Scourkes commented that the location will be used for display only. No fuel will be stored on the premises. The gallery will not be used as a retail facility, as described in the applicant's letter. On behalf of the applicant, Mr. Scourkes agreed with the conditions of the permit.

7:55 p.m. Floor Closed to Public Comment.

City Administrator Steve Matarazzo concluded, based on the Council's discussion, that the last phrase be deleted from condition F7, with additional language in the last sentence to read "Any and all work may be done on vehicles owned by the property owner for his own use, and there shall be no fuel storage on site".

Motion to approve the City **Resolution** as amended, approving Site Plan Permit 11-02 and Conditional Use Permit 514 to retrofit an existing warehouse and property at 442 Shasta Avenue into a residential dwelling and classic automobile related gallery was made by Council Member Kruper, seconded by Council Member Hubler. AYES: Council Members Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Member Blackwelder. Motion Carried.

{Council Member Blackwelder returned to the dais}

- C. City Attorney Jim Heisinger reintroduced, for first reading, a City Ordinance adding Sections 10.08.040 and 10.08.050 to the Municipal Code of Sand City Prohibiting the Parking of Specified Vehicles and Trailers on Public Roadways and Providing for Parking by Permit. After careful review, there were minor clerical errors made to the Ordinance following the initial adoption at the February 15, City Council meeting. The Ordinance brought before the Council includes on pages 88 & 89 of the agenda packet, a red lined version of the Ordinance with the new language shown in red, and the old language shown with strike throughs. On page 89, item D4 will read, "The parking of recreational vehicles shall be allowed on Tioga Avenue, west of Highway One and along West Bay Street, for a maximum period of time of three (3 hours). Parking of recreational vehicles by residents of Sand City and their guests shall be allowed for up to four consecutive days by special permit issued by the Chief of Police." Also item D5 was added referencing exceptions not found in Section C. Prohibitions. Staff recommends the approval of the attached Ordinance.

There was Council discussion regarding trucks parked in the middle of the road not making deliveries to Costco. Item C.4 of the ordinance addressed this issue. A suggestion was made to mark the curb red or green, allowing deliveries for a limited time. There was discussion of unhitched trailers parked on private property along California Avenue. Chief Michael Klein commented that certain businesses have loads come in, left for some time, and then are hitched backed up to the truck and removed. This has been happening for several years. Any hitched or unhitched trailer on a public street will be subject to the Ordinance and citable.

City Administrator Steve Matarazzo suggested that D.5 of the Ordinance be changed to read: "The parking of any oversized vehicle for delivery purpose located within the C-4 zoning district North of Tioga". There was Council consensus approving the new language.

8:13 p.m. Floor Opened for Public Comment.

There was no comment from the Public.

8:13 p.m. Floor Closed to Public Comment.

Motion to approve for reintroduction and first reading of the City **Ordinance** adding Section 10.08.010 and 110.08.050 to the Municipal Code of Sand City, prohibiting the parking of specified vehicles and trailers on public roadways and providing for parking by permit was made by Council Member Blackwelder, seconded by Council Member Carbone. Roll Call Vote, AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSTAIN: None. ABSENT: None. Motion Carried.

AGENDA ITEM 9, OLD BUSINESS

- A. City Engineer Richard Simonitch reported that he is aware of the issue regarding the addition of a street light on Dias Avenue. He has notified P.G. & E, and will inform the City Administrator of its progress. The Coastal Bike Trail interconnect documents have been submitted to Cal-Trans for approval of an encroachment permit. The desalination plant's monthly flow meter report is still pending from Cal-Am. Once Staff receives the report, it will be forwarded to the Council. The Public Works Corp yard improvement project is progressing as planned. The redesign of the new retaining wall has been completed.

City Administrator Steve Matarazzo reported that he and the Mayor met with three members of the agency involved with the Regional Water Project. They were impressed with Sand City's ability to get unanimous Coastal Commission approval for the construction of the desalination facility.

AGENDA ITEM 10, NEW BUSINESS

- A. Monterey-Salinas Transit (MST) Assistant General Manager Hunter Horvath presented a Memorandum of Understanding (MOU) regarding Bus Rapid Transit (BRT) Service through Sand City. He distributed additional information to the Council of the proposed project. The Bus Rapid Transit is a 6.75 mile Bus Rapid Transit line that will run from the Monterey-Pacific Grove border through the cities of Monterey, Sand City, and Seaside. The proposed project, funded by the Federal Transit Administration and State transportation bond funds, will cost an estimated \$3.5 million dollars. There are no added costs to the jurisdictions for this project. A traffic study was conducted that bus travel time through the corridor is expected to improve by 50% with the BRT service, and auto travel time is expected to decrease by 2.5 to 6.5 minutes, depending on the direction of traffic. Construction of the project primarily involves installation of custom-designed shelters reflecting a brand image of the new service. MST has partnered with the Monterey Jazz Festival, and the BRT service will be themed in correlation with the Jazz Festival to reflect decades of art, music, and design associated with this annual event. The first JAZZ themed transit shelter and bus are planned to be displayed at the September 2011 Monterey Jazz Festival.

Mayor Pendergrass commented that it would be of value to explore additional opportunities to promote the Arts and Sand City's Annual West End Celebration through the concept of a linear Jazz Museum within the bus shelter. The Council agreed that this would be a good opportunity to bring public awareness to Sand City's annual event.

Motion to approve by Title, the City **Resolution** approving a Memorandum of Understanding (MOU) between the City of Sand City and Monterey-Salinas Transit (MST) to operate a Bus Rapid Transit (BRT) System within Sand City 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.

- B. City Administrator Steve Matarazzo presented responses to the Monterey County Grand Jury Report. The City was asked to respond to questions regarding the Public Employees Retirement System and the Regional Water Project. Should the Council approve the responses included in the agenda packet, it will then be forwarded to Adrienne Grover of the Grand Jury Commission.

Vice Mayor Carbone indicated that Staff did an excellent job in responding to the questions.

Motion to approve the responses to the 2010 Monterey County Grand Jury Report was made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- C. City Administrator Steve Matarazzo updated the Council on legislation and activities regarding the Governor's proposal to eliminate redevelopment agencies. Draft legislation on Redevelopment Agency Dissolution and Succession was forwarded to the Council last week. The California Redevelopment Agency (CRA) and League of California Cities gave the City a link to a conversation between the conference committee and the legislative council's office. This conversation demonstrated what the Legislative Council thought about the proposed legislation being "problematic" in regard to Proposition 22. The League and the CRA are prepared to take legal action on this proposed legislation, should it pass. It was reported by the Attorney General's office in preparing the ballot measure for Proposition 22 that the State of California shall not be allowed to further take money from local governments including redevelopment monies.

Mayor Pendergrass reported on a conversation with Assembly member Alejo regarding Proposition 22, and the State's proposed elimination of redevelopment agencies.

The City Administrator concluded that he will be emailing to the Council any updates as events occur. He also mentioned a Redevelopment Conference on March 31-April 1, 2011 to be held in San Jose that may be of importance regarding this legislation.

- D. Mayor Pendergrass reminded the Council of the upcoming Monterey Peninsula Chamber of Commerce Annual Awards Dinner to be held on Saturday, March 5, 2011. There were no additional RSVP's.

AGENDA ITEM 11, CLOSED SESSION

8:49 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*

9:11 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.

Report given by City Attorney. There was no action taken.

AGENDA ITEM 12, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Kruper, seconded by Council Member Carbone to the next regularly scheduled Council meeting on March 15, 2011 at 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 9:13 p.m.



Connie Horca, Deputy City Clerk