

# MINUTES

## JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

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

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

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  
Charles Pooler, Associate Planner

### AGENDA ITEM 4, COMMUNICATIONS

A. Written communication distributed to the Council was an update of the California Redevelopment Association's Alternative Proposal for Voluntary Redevelopment Contributions to Schools.

B. Oral

7:02 P.M. Floor Opened for Public Comment.

There was no comment from the Public

7:02 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 #295, David Wilson for Lambert Roofing (open storage), Oceanview Avenue
  - (2) CUP #389, Loren Speck Gallery (manufacturing), 591 Ortiz Avenue
  - (3) CUP #410, Sand City Public Works (mobile office), Sylvan Park/Corp. Yard
  - (4) CUP #482, Macaluso Electric (contractor), 570 California Avenue
  - (5) CUP #483, Colton Heating (contractor), 431 Ortiz Avenue
- B. There was no discussion of the Sand City Council Meeting Minutes, March 1, 2011.
- C. There was no discussion of the Public Works Monthly Report, February, 2011.
- D. There was no discussion of the Police Department Monthly Report, February, 2011.
- E. There was no discussion of the City/Redevelopment Agency Financial Report, February 2011.
- F. There was no discussion of the City **Resolution** Confirming Members of the Sand City Arts Committee and New Appointment of Patrick Orosco to the Sand City Arts Committee.
- G. There was no discussion of the City Donation/Contribution to Monterey High School Sober Grad Night 2011 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.

## **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 a use permit application, submitted by David Compton for the assembly of office furniture at 1674 Catalina Street for approximately 90-Days. Pre-manufactured parts will be delivered to the location over a 3-day period, where they will be unloaded and inspected. The applicant plans to store and assemble the furniture within the building. There will be no woodworking or metal fabrication at this location. The hours of operation will be from 7:30 a.m. to 4:30 p.m., Monday through Friday, with weekend operation hours from 10:00 a.m. to 5:00 p.m. The zoning code requires eight (8) on-site parking spaces, which can be established along Shasta Avenue. Since this is a short term use of the location Staff finds the parking arrangement

suitable. The applicant will load the completed furniture for delivery using two 16-foot long box vans. Conditions of the permit state that trash generation shall be properly handled. The parking of trucks during the 3-day delivery of parts must be properly managed to ensure that any loading/unloading activities do not interfere with street traffic. This temporary use is not anticipated to pose a nuisance. Staff recommends approval of the conditional use permit.

7:08 P.M. Floor Opened for Public Comment.

The applicant, David Compton, commented that he was in agreement with the use permit conditions.

Council Member Kruper stated his concerns regarding children in the area, and if the delivery trucks may impede traffic thereby posing a possible hazard.

Mr. Compton replied that he can escort the delivery trucks coming into the City to avoid any traffic impacts, and that he will be mindful of pedestrians and children within the area.

The Council clarified that even though the business is a short term temporary use, the applicant must file for a business license.

7:10 P.M. Floor Closed to Public Comment.

Motion to approve the City **Resolution** approving Conditional Use Permit 516 for David Compton to Assemble Office Furniture within a Warehouse at 1674 Catalina Street for approximately 90-Days was made by Council Member Carbone, seconded by Council Member Kruper. AYES: Council Members Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Member Blackwelder. Motion Carried.

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

***{Council Members Carbone 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 a use permit application, submitted by Jared Berg of Monterey Bay Diving, to utilize a commercial unit at 625 Catalina Avenue for storage and servicing of diving equipment. Depending on the amount of business, deliveries to the site will vary. Oxygen tanks will be serviced and stored on the premises. The property provides seven (7) parking spaces. Three parking spaces are adequate to accommodate zoning requirements. The intended hours of operation are between 10:00 a.m. to 7:00 p.m. daily, with the permit establishing a 5:00 p.m. closing time on weekends. The business may generate some noise from the use of air compressors and handling of heavy oxygen tanks. Overall, the business is not anticipated to pose a nuisance. Staff recommends approval of the conditional use permit.

7:14 P.M. Floor Opened for Public Comment.

The applicant, Jared Berg, reassured the Council that there will be no oxygen or

mixed gases stored at the facility, and he is in agreement with the conditions of the use permit.

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

Motion to approve the City **Resolution** approving Conditional Use Permit 517 for Monterey Bay Diving for Storage and Servicing of Diving Equipment within Commercial Building located at 625-C California Avenue was made by Council Member Blackwelder, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Member Carbone and Hubler. Motion Carried.

***{Council Members Carbone and Hubler returned to the dais}***

C. City Administrator Steve Matarazzo presented, for second reading, the City 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. There were no additional changes. The entrance signs are in the design phase, and a prototype/sample will be available for Council review at the April 5, 2011 Council meeting.

7:18 P.M. Floor Opened for Public Comment.  
There was no comment from the Public.

7:18 P.M. Floor Closed to Public Comment.

Council Member Hubler suggested that a notice be sent out to the businesses and residents informing them of the newly adopted Ordinance. Police Chief Michael Klein commented that a warning sticker would serve as an advisory notice of the Ordinance when trucks are found to be parked illegally. There was also Council discussion regarding the size of the entrance signs that may be decided upon once a sample is presented at the next meeting.

Motion to approve by title, the second reading of the City **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 was made by Council Member Carbone, seconded by Council Member Blackwelder. Roll Call Vote AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

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

A. City Engineer Richard Simonitch reported that Staff has commenced the work related to the Dais Street light. An electrical consultant will be handling the application to P.G. & E. The encroachment permit has been re-submitted to Cal-Trans for the Coastal Bike Path. Once Cal-Trans gives their approval, Staff may then determine if the work needs to be contracted out, or possibly done in-house. The desalination plant is running well. Bid documents for the proposed Corporation Yard improvements will be submitted to Council for review at the April 5<sup>th</sup> Council meeting.

Council Member Blackwelder commented on the concrete work along Elder Street, and asked when the work will be completed. City Engineer Richard Simonitch stated that he will contact A.T. & T. and request that they finalize the project. Vice Mayor Carbone mentioned that some street lights throughout the City are inoperable, and if there has been any progress in trying to repair them. Chief Michael Klein commented that Staff has made regular calls to P.G. & E. It normally takes P.G. & E. six to eight months for a crew member to respond to the call.

City Administrator Steve Matarazzo reported that Don Orosco requested Staff to contact one property owner to consider selling her property in the South of Tioga redevelopment project area. A letter was sent out regarding this request. There are concerns regarding the ingress/egress of the Graniterock trucks along the public right of way. Mr. Orosco's primary concern involves the big rigs transporting materials through California Avenue, and why transport is not routed via Del Monte Avenue. The Transportation Agency of Monterey County (TAMC) is looking at ordering an appraisal for the railroad right-of-way to extend California Avenue. The proposed Costco Gas Station is still pending.

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

- A. City Administrator Steve Matarazzo reported on California State actions to eliminate Redevelopment Agencies. In tonight's handout, the California Redevelopment Association (CRA) crafted an alternative proposal for voluntary contributions to schools. A summary of the proposal suggested two alternatives. The first would have local redevelopment agencies voluntarily suspend their housing set-aside for one (1) year, in which an equivalent amount be contributed to local school districts. In exchange, agencies would be allowed to extend their project area's life by two (2) years. The second proposal would allow the agencies to voluntarily contribute up to 10% percent of their tax increment revenue to local school districts. For each percentage agencies pay to schools, an additional year could be added to the project area life up to a maximum of ten (10) years. The CRA estimates that the alternative could raise more that \$2.7 billion over the 10-year life, of the proposal dependent on redevelopment agency participation. Both the CRA and the League of California Cities agree that should the proposed legislation pass, they will be ready to go to court. At the March 4<sup>th</sup> Mayor's meeting, Assembly member Bill Monning hinted that the "May Revise" of the budget proposed by Governor Brown may have some form of compromise regarding eliminating redevelopment agencies. The CRA's Annual Conference scheduled for March 30 – April 1 in San Jose will center around the theme "Redevelopment: Worth Fighting For!".
- B. There were no additional RSVP's taken.

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

7:50 P.M.

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

1) To confer with Legal Counsel regarding existing 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 Legal Counsel regarding pending litigation in accordance with Section 54956.9 (a) of the Ralph M. Brown Act

- a) *CPUC Matter – Cal Am Moratorium Case #A10-050-020*

8:02 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.

The City Attorney reported on Items 10A (1-2). No action was taken.

#### **AGENDA ITEM 11, ADJOURNMENT**

Motion to adjourn the City Council meeting was made by Council Member Kruper, seconded by Council Member Hubler to the next regularly scheduled Council meeting on April 5, 2011 at 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:03 p.m.



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Connie Horca, Deputy City Clerk