

# MINUTES

## JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

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Regular Meeting – May 17, 2011  
7:00 P.M.  
CITY COUNCIL CHAMBERS

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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  
Charles Pooler, Associate Planner

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

A. Written communications distributed to the Council were the 2011-12 Governors Budget, May Revision, and information regarding possible conflicts.

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**

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 #72 Sea Life Supply (marine fish), 740 Tioga Avenue
  - (2) CUP #418 Jaroslav Stepanek (woodshop/storage), 341 Orange Avenue
  - (3) CUP #430 Susan Collins (Art Studio), 751 Dias Avenue
  - (4) CUP #476 Stepanek Construction (woodshop), 414 Orange Avenue
  - (5) CUP #494 Arthur Brost (sales), 433 Orange Avenue
  - (6) CDP #93-05 Monterey Cabinet & Woodworking (woodshop), 409 Ortiz Avenue
  - (7) CDP #93-02 Meadows (mobile home), 654 Ortiz Avenue
  - (8) CDP #96-03 Meadows/Marks Barn (auto body), 650 Ortiz Avenue
- B. There was no discussion of the Police Department Monthly Report, April, 2011.
- C. There was no discussion of the Public Works Monthly Report, April, 2011.
- D. There was no discussion of the City **Resolution** adopting a policy regarding members of the Sand City Design Review Committee.
- E. There was no discussion of the City **Resolution** approving a Memorandum of Understanding (MOU) between the City of Sand City and the Monterey County Emergency Medical Services Agency (EMS) for the purpose of distributing County Service Agreement (CSA) 74 Funds.

Motion to approve the Consent Calendar was made by Council Member Blackwelder, seconded by Council Member Hubler. 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, PRESENTATION**

- A. Steve Vagnini, 2011 West End Event Coordinator, presented an update on the progress of the West End Celebration. He requested the Council to consider additional contingency funds for a second day, securing a pro bono act for Sunday. A band named "Moon Alice" has informed Mr. Vagnini that they would love to perform for the West End Celebration at no charge. The band has 60,000 Facebook fans and a rather large following. The band's performances can be viewed live on the internet. The event has a good line-up of bands for Saturday, with the possibility of having a second stage. For

the past two years, funds have been donated to "Guitars not Guns", and this year, the West End Celebration has also received a \$1,200 grant from the Arts Council of Monterey to continue this mission. This will be the 10<sup>th</sup> Annual West End Celebration. As it continues to get bigger, there is more interest in the event. Another aspect of the event will incorporate a "green scene" that deals primarily with environmental protection. Publicity for the event will be through radio broadcast from KPIG, with full page advertisements in the Coast Weekly and The Monterey County Herald. The West End Celebration.com website, designed by Susan Collins, is currently on the internet. The Friday night kick-off party will be hosted by Robbie Robinson of Carmel Stone Imports, who will be making his showroom available for this event. The Saturday night party, to be held at the Design Center, will be sponsored by the Orosco Group with the assistance of Greg Hawthorne. Funds originally planned for the Saturday night event will be moved to Sunday.

Council Member Hubler commented that Sand City is very fortunate to have Mr. Vagnini coordinate the West End Celebration, and acknowledged his dedication and commitment in holding a successful event this year.

Mayor Pendergrass agreed with Council Member Hubler's comment, and thanked Mr. Vagnini for his efforts and hard work. He asked that Staff look into the budget to see if contingency funds are available for the Sunday event.

There was council consensus to move forward for a Sunday extension of the event.

## **AGENDA ITEM 8, PUBLIC HEARING**

- A. Associate Planner Pooler presented an application by Tyler McCrain to establish a wholesale/retail electrical supply business at 783 Redwood Avenue, and to establish a fenced yard on the TAMC railroad right-of-way. The property is a 16,875 square foot parcel with a 10,000 square foot concrete commercial warehouse. The primary issue is accessibility. The railroad right-of-way cuts across the southeast corner, leaving a 50 foot wide connection to Redwood Avenue. The property can facilitate ten (10) regulation size parking spaces, dependent on the railroad right-of way remaining open for access. The applicant has stated there will be 10 deliveries per week on flatbed trucks and shipments via parcel trucks twice a day. General wholesale activity will pose little impact so long as there is adequate parking, and storage is properly screened. Staff proposes that conditions of the permit require adequate onsite parking when conditions change, requiring the elimination of the loading dock. Staff recommends approval of the coastal development permit.

7:28 P.M. Floor Opened for Public Comment.

The applicant, Tyler McCrain stated that he is aware of the risk involving TAMC's railroad right-of-way, and he is looking to lease additional parking for the proposed use. He does have correspondence that TAMC will consider

leasing a portion of their railroad right-of-way, for additional parking. Mr. McCrain requested that changes be made to the coastal development permit regarding re-pavement of property. Mr. McCrain suggested that the permit be amended to state that he is not obligated to repave over TAMC's right-of-way, and if any re-pavement is required, that it to be at the discretion of the applicant.

Associate Planner Pooler commented that condition 13 of the permit states "the applicant shall coordinate any and all work with the City Engineer regarding the removal of the on-site railroad spur and the resurfacing/repaving of the on-site parking area with TAMC's approval." The permit does not require the applicant to repave.

There was council discussion on the possibility that TAMC may use their right-of-way, possible solutions to gain access to the building, and parking issues involving other businesses located within the vicinity.

Associate Planner Pooler referenced Condition 7 of the permit, that requires a minimum of ten (10) parking spaces be established and maintained on the property. The removal of the loading dock would incur other issues such as how to get pedestrians and materials in the building. Mr. Pooler mentioned adding a termination clause into the permit, where if TAMC closed off their right-of-way, then the permit would terminate.

City Administrator Steve Matarazzo commented that TAMC would work with the applicant. He suggested adding a sentence to condition 4 to read: *As an alternate plan, the property owner or applicant shall be required to redesign to angled parking with adequate dimensions and space numbers in accordance with City regulations, and parking along the East building line.*

Commercial Broker, Pete Erickson, commented that he represents both the landlord and tenant. Removing the dock would be a serious issue, unless you ramp the whole thing. The landlord is hopeful that the adjoining unit can be leased for some form of storage, but there has been no public interest. Mr. Erickson agreed that Mr. Matarazzo's revised parking condition would be acceptable.

7:50 P.M. Floor Closed to Public Comment.

Council Member Hubler was excused from the Council meeting due to a personal emergency.

Motion to approve the City **Resolution** approving Coastal Development Permit 11-05 for Consolidated Electrical Distributors allowing the establishment of an electrical part Wholesale/Retail Business and new storage yard at 783 Redwood Avenue as amended 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 9, OLD BUSINESS**

- A. City Engineer Richard Simonitch reported that the desalination plant is running well. There have been no pump failures. Cal-Am is in the process of activating a new low pressure zone, making the desalination plant cheaper to run. This would also reduce the occurrence of leaks, and allow the plant to run more efficiently. Residents should begin to notice a lower water pressure. The bid opening for the Public Work's Corporation Yard Project resulted in seven (7) bids submitted. The lowest bid was not considered due to no-responsiveness. A majority of the bids were well over the Engineer's estimate of \$99,000, ranging from \$110,000 to \$150,000. Staff will explore the possibility that the contractor may also consider doing the Tioga Coastal Bike Trail interconnect project.

City Administrator Steve Matarazzo reported that he and the City Attorney have been working on the economic exclusion for the snowy plover habitat. The report contains a total of 300 pages with the deadline to respond to the proposed designation by May 23<sup>rd</sup>.

City Attorney Jim Heisinger reported that he is working with the City Administrator to get the report out by Thursday, and mailed overnight to the U.S. Fish and Wildlife Service. Much of the report contains information on work that was done in 2005. SNG, has prepared 60 pages of the report on why their site should be excluded and its relation to Sand City. Five acres of the lower beach area falls within the snowy plover habitat designation, of which four acres is approved for the SNG Project. Sand City is sending an objection to exclude the SNG site and portions of the Sterling McDonald site.

Mayor David Pendergrass reported that at the last meeting with Monterey Salinas Transit (MST), they were under attack regarding proposed development on the Old East Garrison area. There were sixty people in attendance, and the Board was surprised that no one commented during the EIR public comment period. Eighty five (85%) percent of 44,000 acres is deemed open space, and the remaining 15% designated for development is under debate.

Chief Klein reported that all the Council members have agreed to do their assigned jobs for the Annual City Barbeque, and he is hoping for favorable weather during the event.

- B. City Administrator Steve Matarazzo reported on the status of redevelopment legislation and the State budget. The California Redevelopment Association and the League of California Cities viewed Senate Bill 77, proposed elimination of redevelopment, as being unconstitutional. The California Redevelopment Agency sponsored legislation to allow redevelopment agencies to voluntarily give their housing set aside funds to school districts for a period of one year. In Governor Brown's "May Revise" report distributed to the Council, the good news indicated that the Legislature is focused on reforming Redevelopment Agencies. However, Mr. Brown mentions in his May

Revision Budget report that the elimination of redevelopment agencies is still a good idea since the funds would be allocated towards the school districts.

## **AGENDA ITEM 10, NEW BUSINESS**

- A. Police Chief Michael Klein requested the Council approve the City Ordinance adopting certain amendments to Chapter 10.08 of the Sand City Municipal Code regarding Stopping, Standing and Parking. The attached ordinance proposes that the California Vehicle Code be mimicked in the City's Municipal Code. Parking citations issued are charged an \$8.00 dollar fee when citing State Code. Adopting State Code into the City's Municipal Code would provide more revenue to the City. This will assist the City in establishing and maintaining proper code enforcement. In the event of a dispute, the City has contracted with the City of Monterey to serve as the City's hearing officer.

City Attorney Jim Heisinger added that the Ordinance on page 68 of the agenda packet authorizes the City to adopt by ordinance local regulations regarding traffic control to regulate parking during certain parts of the day. The Police Department has put together a list of current parking violations of the California Vehicle Code incorporating it into the City's Municipal Code. Exhibit "A" on pages 69-70 will replace old code sections with revised and amended language.

- 8:23 P.M. Floor Opened for Public Comment.  
There was no comment from the Public.  
8:23 P.M. Floor closed to Public Comment.

Motion to approve the First Reading of the City **Ordinance** adopting certain Amendments to Chapter 10.08 of the Sand City Municipal Code regarding Stopping, Standing and Parking was made by Council Member Kruper, seconded by Council Member Carbone. Roll Call Vote AYES: Council Members Blackwelder, Carbone, Kruper, Pendergrass. NOES: None. ABSENT: Council Member Hubler. ABSTAIN None. Motion Carried.

- A. The Deputy City Clerk brought to the Council's attention the upcoming meetings and events.

## **AGENDA ITEM 11, CLOSED SESSION**

8:25 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*

8:40 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 11A. No action was taken.

## **AGENDA ITEM 12, ADJOURNMENT**

Motion to adjourn the meeting was made by Council Member Blackwelder, seconded by Council Member Carbone, to the next regularly schedule City Council meeting on June 7, 2011 at 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:41 p.m.



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Connie Horca, Deputy City Clerk