

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – July 5, 2011
7:00 P.M.
CITY COUNCIL CHAMBERS

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

The invocation was led by Reverend Carl Kelleher.

The pledge of allegiance was led by Police Chief Michael Klein.

Present: Council Member Blackwelder
Vice Mayor 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
Charles Pooler, Associate Planner
Connie Horca, Deputy City Clerk/Administrative Assistant

AGENDA ITEM 4, COMMUNICATIONS

A. Written communication distributed to the City Council was a list of conflicts for various agenda items.

B. Oral

7:03 P.M. Floor opened for Public Comment.
There was no comment.

7:03 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 on the approval of the designation of a voting delegate and alternate for the 2011 League of California Cities Conference, September 21-23, in San Francisco.

- B. There was no discussion of the approval of City **Resolution** establishing an annual parking fee for certain vehicles parking on public streets.
- C. There was no discussion of the approval of the City Donation/Contribution to the Monterey County Film Commission for \$500.

Motion to approve the Consent Calendar items was made by Council Member Carbone, seconded by Council Member Blackwelder. 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, PUBLIC HEARING

{Council Members Hubler and Kruper stepped down from the dais due to a possible conflict of interest by residing within 500' feet of the subject property}

- A. City Administrator Steve Matarazzo reported that at the June 7 City Council meeting, Susan Collins expressed that she did not desire to enter into a Community Garden lease for the subject property. Staff recommends approval of the use permit with initial conditions proposed at the June 7 meeting, with the City Council's suggestion that the "applicant" for the property be the Sand City Redevelopment Agency. The first resolution, issued by the City of Sand City, approves the use permit for the subject property, and the second resolution authorizes the Redevelopment Agency's Executive Director to accept the conditions of the permit. Staff further recommends that the City contribute funds of up to \$5,000 dollars to establish an on-site water tank for irrigation purposes and for installation of a temporary power pole/panel. These funds would come from the City's capital improvement budget.

7:06 P. M. Floor opened for Public Comment.

Project Coordinator Susan Collins thanked the Mayor, City Council, and staff for the time invested into this project. The volunteers are ready and waiting for final approval. They have plants, plows, and gardening equipment ready to begin work on the community garden.

Sand City resident Michael Morris also expressed his thanks to the Mayor and Council. He wanted to encourage the City to consider doing a water hook up, saving Public Works staff time to water the garden. Installation of a water irrigation system would be more effective, and should pay for itself within a year.

7:08 P.M. Floor closed to Public Comment.

Mayor Pendergrass commented that it is a community project and would

like the City to work together with the garden volunteers to make this a great project.

- 1) Motion to approve City **Resolution** approving conditional use permit 520 for the Sand City Redevelopment Agency (Agency) to establish and operate a community garden on Redevelopment Agency owned property at the westerly end of Dias Avenue, was made by Council Member Blackwelder seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Hubler and Kruper. Motion Carried.
- 2) Motion to approve the Redevelopment Agency **Resolution** by title, accepting the conditions of Sand City conditional use permit 520 and allowing the temporary use of a community garden on land owned by the Sand City Redevelopment Agency at the westerly end of Dias Avenue (3 lots) was made by Agency Member Pendergrass, seconded by Agency Member Blackwelder. AYES: Agency Members Blackwelder, Carbone, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Agency Members Hubler and Kruper.

{Council Members Hubler and Kruper returned to the dais}

{A straw draw resulted in Council Member Hubler as a voting delegate. Council Members Blackwelder and Kruper stepped down from the dais due to a possible conflict of interest by residing within 500' feet of the subject property}

- B. Associate Planner Charles Pooler presented an application, submitted by Ignacio Flores Martinez, for a conditional use permit to establish and operate a produce storage and distribution operation at 570 California Avenue. This item is continued from the June 21 Council meeting. The location will serve as a substation for the main distribution facility in Salinas. Shipments of produce to the site will be Monday through Friday during the hours of 9:00 a.m. and 11:00 a.m. on bobtail trucks. Office hours will be between 8:00 a.m. to 4:00 p.m., five to six days per weeks with one employee on-site. The applicant will occupy 2,800 square feet for storage, requiring three on-site parking spaces. The proposed use will contain refrigeration units, with deliveries made during normal business hours using vans and small trucks. All loading/unloading shall occur on the property. The site shall be maintained and adhere to Monterey County Health Department requirements. The property has issues regarding outside storage, which includes the ongoing and rotating storage of miscellaneous machine equipment at 560 California Avenue. It is recommended that occupancy of the 570 California Avenue unit not occur until open storage along the driveway is removed. Staff recommends approval of the conditional use permit.

Mayor David Pendergrass commented that new uses must adhere to the new parking regulations passed and adopted by the City Council. Any trucks parked along the street must have a permit to do so.

There was Council discussion on the definition of a bobtail truck, the amount of expected deliveries to be made to the site, and the clean up of the storage located adjacent to the property

7:20 P.M. Floor opened for Public Comment.

Linda Flores commented on behalf of the applicant, Ignacio Flores Martinez that different companies will be making deliveries, and she estimates that there will be approximately two to three trucks per day. The applicant understands the conditions, and agrees with the conditions of the permit.

Property Owner Patrick Orosco shared concerns about the visual clutter across the street, and storage of various items. He requested clarification regarding if trucks will be parked inside the building, and whether the use permit would allow sales to the public.

Associate Planner Pooler suggested that the application be amended to state that no retail activities occur on the property.

7:25 P.M. Floor closed to Public Comment.

Motion to approve Conditional Use Permit 519 for Veggies Produce, as amended, to use a commercial building for produce storage and distribution at 570 California Avenue was made by Council Member Carbone, seconded by Council Member Hubler. AYES: Council Members Hubler, Carbone, Pendergrass. NOES; None. ABSENT: None. ABSTAIN: Council Members Blackwelder and Kruper. Motion Carried.

{Council Members Blackwelder and Kruper returned to the dais}

{Council members Blackwelder and Hubler stepped down from the dais due to a possible conflict of interest by residing within 500' feet of the subject property}

- C. Associate Planner Charles Pooler presented an application for a coastal development permit by Ryan Charles, and Jacob Tsykin to relocate their fitness gym to 1815-B Contra Street. This item is continued from the June 21, 2011 Council meeting. The applicants have been in business for a year at 337-B Olympia Avenue, and would like to continue their use. The subject property is 120 feet wide within a single commercial building, divided into three units on the ground level, and two upstairs office units. The applicants will offer group fitness classes, available for all ages and fitness levels. Programs consist of weightlifting, calisthenics, and cardio respiratory conditioning. There will be various equipment used such as dumbbells, kettle-bells, a pull-up frame, climbing ropes and gymnastic rings. Shock absorbing mats should be required to absorb any noise from dropped weights. One-on one consultation should be allowed anytime between 6:00 a.m. and 8:00 p.m., Monday through Friday. The building has a 20 foot setback from Contra Costa Street providing nine parking spaces. A paved area adjacent to the property provides an additional 8 parking spaces which is deemed adequate for the proposed use. The fitness gym has operated

with no incidents in the past, and has shown to be compatible within the City's mixed-use community. Staff recommends the approval of the Coastal Development Permit.

7:34 P.M. Floor opened for Public Comment.

The applicant Jacob Tsytkin, commented that he is in agreement with the conditions of the use permit.

7:34 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** approving Coastal Development Permit 11-08, allowing a Fitness Gym at 1815-B Contra Costa Street by title was made by Council Member Kruper, seconded by Council Member Carbone. AYES: Council members Carbone, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder and Hubler.

{Council Members Blackwelder and Hubler returned to dais}

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

- D. Associate Planner Charles Pooler presented for the Council's consideration a four (4) year time extension of Site Plan Permit 06-05 and Design Permit 06-05 for Patrick Casey and his project at 1875 Oceanview Avenue. In 2006, the City issued permits for design modification to Mr. Casey with two year expiration dates followed by a three (3) year time extension. Due to the current housing market, and the economy, the applicant is experiencing difficulty to secure financing for the project. Mr. Casey is requesting a time extension of an additional four years. No modifications or permit amendments have been requested by the applicant. Staff recommends approval granting a time extension of the site plan permit and design permit.

Mayor Pendergrass commented that Mr. Casey's prior improvements to the property have added significant aesthetic appeal, and a lot of work has already gone into making the property more attractive.

7:38 P.M. Floor opened for Public Comment.

The applicant Patrick Casey commented that he is in agreement with the conditions of the site plan and design permits.

7:39 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** approving a four (4) year time extension of Site Plan Permit 06-05 and Design Permit 06-05 for Patrick Casey and his project at 1875 Oceanview Avenue was made by Mayor Pendergrass, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Hubler, Kruper, Pendergrass. NOES: None.

ABSENT: None. ABSTAIN: Council Member Carbone. Motion Carried.
{Council Member Carbone returned to the dais}

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

- E. Associate Planner Charles Pooler, presented an application submitted by Robert Hutt, representing North Bay Rehabilitation Services, to operate a service contractor operation at 701 Redwood Avenue. This business employs disabled adults to perform grounds-keeping and maintenance services. The applicant provides employment to disabled adults giving them an opportunity to be self-reliant and productive members of the community. Job sites are outside of Sand City, and the applicant proposes to use the location for storage, an office and company vehicle parking. There will be approximately 28 employees who report for assignments around 7:00 a.m. on weekdays. These employees arrive to work via public transportation. There are fifteen parking spaces allocated for the building, with a minimum of seven spaces required to meet Code requirements. On-site parking is sufficient for the proposed use as long as the hiring of non-driving adults remains consistent. Ten vehicles will be used to transport the employees, and will be parked within the fenced yard during non-business hours. The use of this site should pose no impacts so long as the applicant keep storage within the building, and no loading/unloading activities occur along the street or sidewalk. Staff recommends approval of the attached conditional use permit.

7:44 P.M. Floor opened to Public Comment.

The applicant, Mr. Robert Hutt, thanked the Council for considering his application. Sand City provides an ideal location for his employees due to the availability, and ease of public transportation. He provided additional information to the Council on the history of the company.

7:45 P.M. Floor closed to Public Comment.

Mayor Pendergrass commented that he is pleased to see this type of business operate in Sand City. It is important that adults with disabilities have a way to earn a living, and be proactive members of society.

Vice mayor Carbone added that the location provides a great building to fit the purpose for this type of use.

Motion to approve the City Resolution approving Conditional Use Permit 522, allowing North Bay Rehabilitation to operate a Service Contractor Operation at 701 Redwood Avenue was made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Hubler and Kruper. Motion Carried.

{Council Members Hubler and Kruper returned to the dais}

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

- F. Associate Planner Charles Pooler, presented an application submitted by Michael Sweeney for storage of personal race vehicles, two trailers and bus, on commercial property located at 467 Shasta Avenue. The property is approximately 9,000 square feet, of which the applicant plans to occupy 4,000 square feet. The site will be used for storage only; and there will be no mechanical or body work performed at the location. The building setback is 13-feet, providing four on-site parallel parking spaces. The existing parking situation is deemed sufficient for the proposed use since there will be no employees, patrons or other on-site activities. Loading and unloading activities on the site will be to transport the applicant's cars to and from racing events. Staff recommends the permit limit the parking of vehicle transport carriers to two hours, along Shasta Avenue, and only within the permit specified hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and 10:00 a.m. to 5:00 p.m., on weekends. Staff recommends approval of the attached conditional use permit.

Council Member Kruper questioned Staff regarding adequate space to keep the sidewalk clear when the vehicles are being transported.

Mr. Pooler commented that the thirteen foot setback should be sufficient since the bus will be stored inside the building, and Shasta Avenue is not a major thoroughfare in Sand City. Traffic impacts, if any, should be minimal since the building will be used for storage only.

7:48 P.M. Floor opened for Public Comment.

On behalf of the applicant Michael Sweeney, Realtor Alyson Goss commented that the applicant has one double decker transport. The transport will drive into the space where it allows the vehicles to be loaded and unloaded. The building provides the required height for this purpose. The applicant is in agreement with conditions of the use permit.

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

Associate Planner Pooler recommended that condition 6 of the permit be modified to delete that text which allowed vehicle transports from parking on the street.

Motion to approve the City **Resolution** approving conditional use permit 521, allowing Michael Sweeney to utilize an existing building at 467 Shasta Avenue for the storage of personal race cars, trailers and a bus 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}

AGENDA ITEM 8, OLD BUSINESS

- A. City Engineer Richard Simonitch reported that the geo-technical engineer is still reviewing the retaining wall for the new Public Works Corporation Yard project. The design is expected to be completed this week with construction to begin shortly thereafter. There is presently no water production report on the desalination plant, and things are running smoothly. Staff contacted P.G. & E.'s engineering department regarding the new street light. It is in the process of obtaining approval, and is anticipated that a new street light should be installed by the end of the month.

City Administrator Steve Matarazzo reported that an update on Monterey Bay Shores will be given during closed session.

- B. Mayor Pendergrass commented that the Governor signed two bills that eliminates Redevelopment Agencies. That same week he received a call from Sam Blakeslee to reassure the City that he is in support of Redevelopment Agencies.

City Administrator Steve Matarazzo reported that the California Redevelopment Association will present a webcast on Thursday announcing more information on when they plan to file the lawsuit. In this interim period, legislation that passed expects all Redevelopment Agencies to cease existing by June 29. However, another piece of legislation indicates that if an ordinance is passed agreeing to make payments to a special district fund and the educational relief fund, then Redevelopment Agencies may continue to exist. To protect existing functions and programs, many agencies will consider this initial step, even though a lawsuit will be filed.

City Attorney Jim Heisinger added that most agencies will pass a continuation ordinance to continue the life of their agencies prior to October 1st. If ordinances do not pass, then agencies would not be able to continue to do business, or enter into any new business. This legislation is fairly serious, especially with regard to City properties owned by the City's Redevelopment Agency. The State will step in with a new agency, take all the funds in the existing agencies, pay-off some bonded indebtedness and other obligations, and will confiscate any available funds. The California Redevelopment Association is predicting to have a lawsuit on file, anticipating that the California Supreme Court will act on the stay. Sand City will need some type of continuation ordinance, since this legislation is existing law. If the Agency continues, the State will determine how much the payments to the State will be sometime in August. The agency will need to determine whether or not it would be economical to continue the Redevelopment Agency, dependent on these payments to the State.

Mayor Pendergrass added that the League of California Cities lawsuit will primarily involve the unlawful action and violation of Proposition 22, and Proposition 1A.

AGENDA ITEM 9, NEW BUSINESS

{A straw draw resulted in Council Member Blackwelder as the voting delegate. Council Members Hubler and Kruper stepped down from the dais due to a possible conflict of interest by residing within 500' feet of the subject property}

- A. City Administrator Steve Matarazzo presented a resolution granting the City Administrator authorization to execute a water assignment from the Sand City desalination plant. It is more complicated than the standard process of obtaining a permit from the Water District. Sand City needs to allocate water from the City's water entitlement, by resolution. The attached resolution would assign water to Post No Bills from Sand City's water entitlement.

City Attorney Jim Heisinger added that this resolution allocates up to a half acre foot of water to the Design Center property. Future applications that come in for use permits will have a standard clause. Once the use permit resolution is passed, the City Administrator will have authorization to sign a water assignment document. That document gets recorded, and the recorded document will then be taken to the Water District as evidence that the City has assigned a portion of the water entitlement to that property, so that the District can then issue a water permit to that property.

Motion to approve the City **Resolution** by title, granting the City Administrator authorization to execute a water assignment and assign water from the Sand City Water Entitlement to property at 600 Ortiz Avenue was made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members, Blackwelder, Carbone, Pendergrass. NOES; None. ABSENT: None. ABSTAIN: Council Members Hubler and Kruper. Motion Carried.

{Council Members Hubler and Kruper returned to the dais}

- B. City Engineer Richard Simonitch requested authorization from the Council to advertise and receive public bids for the Sand Dunes Drive Bike Trail Interconnect Project. The project consists of extending the bike trail from the corner of Sand Dunes Drive and connecting the trail to the existing sidewalk on Tioga Avenue. The project will include clearing; removal of some existing facilities, earth work and installation of an asphalt and concrete curb. The attached staff report includes drawings for the Council's review. The estimated cost for this project is approximately \$32,444. This project will be funded through the Regional Surface Transportation Program (RTSP) and managed by the Transportation Agency of Monterey County (TAMC). TAMC has allocated \$35,000 of Sand City's RSTP funds for this project. Staff decided to keep it separate from the Public Works Corporation Yard Project in order to simplify the accounting process for grant funds.

Motion to move forward to advertise for public bids for the Sand Dunes Bike Trail Interconnect Project was made by Council Member Hubler, seconded by Council Member Kruper. There was Council consensus to move forward

with the Sand Dunes Bike Trail Interconnect Project.

- C. The Deputy City Clerk reminded the Council of the upcoming Monterey Peninsula Chamber of Commerce Business Excellence Awards Dinner on July 28, 2011. There were no additional RSVP's.

AGENDA ITEM 10, CLOSED SESSION

8:15 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) *Monterey Peninsula Water Management v. State Water Resources Control Board (No. M102101), and related cases*
- c) *Security National Guaranty, Inc. v. California Coastal Commission*
- d) *Sierra Club v. MPWMD*
- e) *Decker v. Schumer (King), (No. BC 432289)*

8:20 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 Administrator and City Attorney gave oral reports. No action was taken.

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Kruper seconded by Council Member Blackwelder, to the next regularly scheduled meeting on July 19, 2011 at 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:21 p.m.



Connie Horca, Deputy City Clerk