

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – August 2, 2011
7:00 P.M.
CITY COUNCIL CHAMBERS

Mayor Pendergrass opened the meeting at 7: 01 p.m. The Mayor explained that the characters lined up around the Council Chambers are the Mayor's contribution to the Disneyland Christmas we will have this year. The Mayor thanked Reverend Kelleher for being here.

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
Linda Scholink, Director of Administrative Services/City Clerk
Charles Pooler, Associate Planner

AGENDA ITEM 4, COMMUNICATIONS

A. Written communication distributed this evening included the list of possible conflicts of interest for the August 2, 2011 meeting, and a revised Resolution and revised parking condition for agenda item 7C.

B. Oral

7:05 P.M. Floor Opened to Public Comment.
There were no comments.

7:05 P.M. Floor Closed to Public Comment

Council Member Hubler mentioned that Suzanne St. John's artwork is now on display in the Council Chambers, and it shows the former sand plant located where the Design Center is today. This is Suzanne's first showing, and the art is for sale. The Mayor added that this is part of Sand City's history. The timing of the display coincides with the West End Event. Council Member Hubler added that over the weekend the Art Committee produced a mural on Ortiz Avenue. The West End event will be the weekend of August 27th and 28th; it will be focusing on the "green movement". It is open to the public, and is a free event. This year, the West End Committee will be adding the use of the Carroll building, showing movies. This will be the Event's ten year anniversary, and he complemented the website done by Suzka.

AGENDA ITEM 5, CONSENT CALENDAR

- A. There was no discussion on the Sand City Council Meeting Minutes of July 5, 2011.
- B. There was no discussion of the City/Redevelopment Agency Monthly Financial Report for May, 2011.
- C. There was no discussion on the City/Redevelopment Agency Treasury Report dated June 2011.
- D. There was no discussion on the City Donation to Suicide Prevention Service of the Central Coast for \$500.

Motion to approve the Consent Calendar was made by Council Member Carbone, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper and 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 Blackwelder and Hubler 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 an application for a conditional use permit submitted by Jonathon Philips to use a commercial unit at 495-B Elder Avenue to establish and operate a personal workshop to invent new materials and clean technology methods.

This is a two level multi-unit commercial building, which facilitates a radio station, offices, and other light manufacturing and service commercial uses. This is primarily a one person operation, but there may be an assistant from time to time. There will be no combustion, acids, solvents, radiation or other toxic materials. Equipment includes an electric tube furnace, quartz tubing mortar and pestle, and inert gasses. The property provides eighteen (18) parking spaces plus an additional fifteen (15) parking spaces across Elder Avenue. The applicant's unit is about 2,025 square feet, which requires three (3) parking spaces. There is ample parking to accommodate the intended use and the other commercial uses of this building. This use is not anticipated to generate noise, vibration, dust, fumes, odors or other detrimental impacts. Staff recommends approval of this conditional use permit.

7:16 PM Floor Opened to Public Comment.

Jonathon Phillips, (applicant): Explained that this will be a small operation, and he is here to answer any questions the Council may have. He has been successful at inventions in the past, and he is hoping to invent something of value and contribute positively to society. He agreed to the conditions of the permit.

7:20 PM Floor Closed to Public Comment.

Council Member Kruper asked the Chief if he had any safety concerns and he answered that he did not.

Motion to approve City **RESOLUTION by title only**, Approving Conditional Use Permit 524 allowing Jonathon Phillips to utilize an existing building at 495-B Elder Avenue for a Personal Experimental Workshop was made by Council Member Kruper, seconded by Council Member Carbone. AYES: Council Members Carbone, Kruper and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder and Hubler. Motion Carried.

{Council Member Hubler returned to the dais}

- B. Associate Planner Charles Pooler presented an application submitted by Mark Nettesheim of Classic Kitchens & Designs, to establish a commercial showroom of kitchen and bath cabinetry, doors, windows counter tops, hardware and plumbing items at 495 Shasta Avenue in Sand City. There are two employees and one company vehicle. There will be no on-site manufacturing. The property provides eleven parking spaces. The applicant will occupy 23,865 square feet, which requires at least 3 parking spaces, based on a 1/700 ratio. Therefore, the property provides adequate on-site parking.
-

There will be no major shipments to or from this location. The majority of goods are shipped to clients from a manufacturer or warehouse outside of Sand City. There will be small items brought in via UPS or Federal Express for on-site sales. A showroom, with accessory office and design, will pose little impact provided that adequate parking is available and that trash bins are properly screened. Staff recommends approval of the conditional use permit.

7:27 P.M. The Floor was Opened to Public Comment

Mark Nettlesheim, (Applicant): stated that Associate Pooler did a good job explaining his business in the staff report, and he agreed with the conditions in the permit.

7:28 P.M. The Floor was Closed to Public Comment

Motion to approve City **RESOLUTION by title only**, Approving Conditional Use Permit 523 allowing Mark Nettlesheim to utilize a portion of an existing building at 495 Shasta Avenue for a Commercial Showroom was made by Council Member Kruper, seconded by Council Member Carbone. AYES: Council Members Carbone, Hubler, Kruper and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder. Motion Carried.

C. The Mayor asked the applicant if he received a copy of the revised condition # 5. The applicant answered yes.

Associate Planner Charles Pooler presented an application submitted by Charles Clifton Jr. for Nicholas Plumbing and Heating to establish and operate their plumbing business within a 2,000 square foot unit at 1 John Street, Unit C. The applicant proposes to use the site for storage of equipment and supplies. There will be sheet metal fabrication and accessory office activity. There are eight (8) employees and five (5) company vehicles. The property provides eleven parking spaces along the buildings 100-foot frontage, servicing all three of the commercial units of this building. A minimum of three (3) parking spaces is required by Zoning for their use. Though the applicant states that his commercial vehicles will not be stored at this location "at the present time" the permit needs to account for the potential of future parking of the applicant's commercial vehicles. The Dr. Kay property behind the building is fenced off, and can provide for additional off-street parking. Staff recommends the permit limit the number of commercial vehicles parked along the building's frontage to those three spaces in front of the applicant's unit, with the remaining parking accommodated by the property behind the building. In addition, the permit should prohibit double or tandem parking.

There are eight (8) employees. With limited parking in front of the building, staff recommends that the employees park their vehicles during work shifts on the "Dr. Kay" property behind the building to maintain the limited parking in front for loading/unloading and access during business hours. There will be shipments via

UPS, Fed-Ex, which are not anticipated to be a problem. There will also be deliveries by larger trucks. The permit should prohibit such deliveries from occurring within any street right-of-way, and only occur within that abandoned section of John Street in front of the applicant's building without impeding access to adjoining units or buildings.

Storage and accessory office activities are not anticipated to pose a nuisance. The primary concern is that the parking of company vehicles does not double or tandem park and those adjacent parking spaces remain free for the other tenants of this building. Staff recommends approval of this coastal development permit.

Associate Planner Pooler reviewed the revised permit which added the conditional use permit to the coastal development permit. The second hand-out was a revised condition number 5, which referenced parking. Parking conditions and issues were discussed.

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

Charles Clifton, (applicant): Stated he was aware of the revised condition number five and he went on to explain that there would be two cars that are parked on site normally during the day, for the two people working in the office. The business is down-sizing from their current location. Currently all employees take their work trucks home because they are on a 24-hour call service. If business starts to grow, and there was a need for more trucks, the additional trucks could be parked on the "Dr. Kay" property.

City Administrator Matarazzo did say he had talked with the property owner and he said that he would provide parking leases available on the "Dr. Kay" property. The applicant agreed to the revised condition # 5, as it was amended through the above discussion. The Mayor asked Mr. Clifton if he was in agreement with the conditions of the permit as revised. Mr. Clifton answered yes, that he was in agreement.

7:47 P.M. Floor Closed to Public Comment

Motion to approve City **RESOLUTION** by title, as amended, Approving Coastal Development Permit 11-10 and Conditional Use Permit 525 allowing Nichols Plumbing and Heating to operate their Service Contractor Operation at 1 John Street was made by Council Member Kruper, seconded by Council Member Hubler. AYES: Council Members Carbone, Hubler, Kruper and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Member Blackwelder. Motion Carried

{Council Member Blackwelder returned to the dais}

AGENDA ITEM 8, OLD BUSINESS

City Engineer Richard Simonitch reported Pacific Gas & Electric installed the two street lights on Dias Avenue. Construction on the retaining wall at the corporation yard is complete. The double wide trailer should be moved this week. There was discussion of spraying some hydro-mulch to aid in erosion control at the corporation yard. There is a lot of action on the Sand City Website due to the Coastal Bike & Pedestrian Interconnect project. Bids are due next week, and the award will be on the next Council agenda. The Engineers' estimate is \$30,000-\$40,000. The desalination plant has produced 25.1 acre feet for the month of July, and has become a very reliable source of water. Cal-Am is doing a great job. They have done a lot of work on the plant. We are at 281 acre feet as of July 1, 2011. We will be hitting our 300 acre feet target, soon.

City Administrator Steve Matarazzo reported he had previously advised the City Council that the School District was looking for additional Redevelopment money and had hired the Dolinka Group. They have since asked for additional time, and have not received verification from the County on their numbers. It is possible that we may not owe them any additional money via our pass-through agreements.

The City Attorney added, the Department of Finance published the payment amount the City of Sand City will have to pay based on the 1.7 billion for fiscal year 11-12. Sand City's share will be \$371,214, and the City has until August 15, 2011 to file an appeal if they feel that amount is incorrect. Only this year's payment can be paid out of the Housing account without the need to reimburse.

Mayor Pendergrass added that as a City; let's do what we can to support the League of California Cities and the California Redevelopment Agency with their deliberations vs. the State.

AGENDA ITEM 9, NEW BUSINESS

- A. There were no RSVP's on upcoming events or meetings that were needed.

AGENDA ITEM 10, CLOSED SESSION

8: 03 PM

- A. City Council /Agency Board adjourned 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)*
- f) *California Redevelopment Association v. Matsantos (California Supreme Court)*

8:30 PM

- B. The City Council/Agency Board Readjoined 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 1) b, c, e, and f to the City Council.

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Blackwelder, seconded by Council Member Kruper, to the next regularly scheduled meeting on August 16, 2011 at 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:31 p.m.



Linda K. Scholink, City Clerk