

**MINUTES**  
**JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY**

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Regular Meeting – August 16, 2011  
7:00 P.M.  
CITY COUNCIL CHAMBERS

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Mayor Pendergrass opened the meeting at 7:00 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  
Vice Mayor Carbone  
Council Member Hubler  
Council Member Kruper  
Mayor Pendergrass

Staff: Steve Matarazzo, City Administrator/Community Development Director  
Sidney Morris, Attorney (for Jim Heisinger)  
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 possible conflicts of interest for tonight's meeting.

B. Oral

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

West End Coordinator Steve Vagnini reported that everything is looking good. Vendor packets were mailed out to approximately 90 people. The West End Celebration will feature a great selection of artists, sculptors, and a variety of green vendors this year. There are ten food vendors, twenty-one bands, and approximately eighty exhibitors. The event will begin with a Friday night kick-off fund raiser featuring Raising Cain with John Broadway Tucker, and the Monterey Bay Blues Festival 'Honor Band'. Tickets for the event are available from City

Staff, the Council, and at other local Sand City businesses. Mr. Vagnini distributed sample event maps to the City Council. Referencing the street maps, he commented that there will be enough vendors extending up through Holly Street, from the Independent Building to the end of Ortiz. A portion of Ortiz Avenue will feature the "Green" Scene, and will have the Waste Management truck on display. The Community Garden will be an added feature as well. There has been a lot of radio advertising on local channels such as KPIG, the Monterey County Weekly, and the Herald. Susan Collins and Mr. Vagnini also presented a half hour media event regarding the West End Celebration on KION. Mr. Vagnini is looking at another successful event this year.

7:12 P.M. Floor closed to Public Comment.

Mayor Pendergrass added that Monterey-Salinas Transit will be providing a trolley this year to shuttle people to and from the event.

City Administrator Steve Matarazzo reported that redevelopment agencies must file an Enforceable Obligations Payment Schedule (EOPS) by August 28. He recommends that a special meeting of the City Council be held on Thursday, August 25 at 5:00 p.m.

There was Council consensus to hold a special meeting on August 25, at 5:00 p.m.

## **AGENDA ITEM 5, CONSENT CALENDAR**

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 coastal development and conditional use permits.

- (1) CUP #257, Precision Porche (auto), 475-C Olympia Avenue
- (2) CUP #345, James Obara, (mobile home), 770 Tioga Avenue
- (3) CUP #370, Economy Cleaners (service business), 840 Playa Avenue
- (4) CUP #378, Carmel Glass Company (contractor), 637-B Ortiz Avenue
- (5) CUP #388, Sanctuary Management Group (recreation), 1855 East Avenue
- (6) CUP # 396, McDonalds Restaurant (food), 990 Playa Avenue
- (7) CUP #488, Visions Designs/Rippenberg (warehouse), 370 Shasta Avenue
- (8) CUP #497/CDP 09-02, Rising Phoenix (tattoo studio), 490-B Orange Avenue

B. There was no discussion of the Sand City Council Meeting Minutes, July

19, 2011.

- C. There was no discussion of the Sand City Council Meeting Minutes, August 2, 2011.
  - D. Approval of the City **Resolution** authorizing renewal of Street Sweeping Services was pulled from the Consent Calendar for future consideration.
  - E. There was no discussion of Sand City's participation in the Statewide Storm Water Coalition.
  - F. There was no discussion of the Public Works Department Monthly Report, July, 2011.
  - G. There was no discussion of the Police Department Monthly Report, July, 2011.
  - H. There was no discussion of the City **Resolution** approving a One (1) Year Agreement with the Monterey County Weekly for continued participation of Co-op Advertisements during the 2011/2012 Fiscal Year.
  - I. There was no discussion of the contribution of two (2) tickets to the West End Friday Concert Series to the American Public Works Association raffle.
  - J. There was no discussion of the City **Resolution** allocating up to \$2,000 to fund additional Animal Control Services within Sand City.
  - K. Approval of the City **Resolution** granting the City Administrator authorization to execute a Water Assignment Agreement and Assign Water from the Sand City Water Entitlement to property at 442 Shasta Avenue was pulled from the Consent Calendar for further consideration by the Council.
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- L. There was no discussion of the acceptance of the Monterey County Redistricting Committee Recommendations (Information Only).
  - M. There was no discussion of the acceptance of the Sales Tax Trends and Economic Drivers, July 2011 California Forecast, HdL Companies (Information Only).
  - N. There was no discussion of the City Donation/Contribution to The Panetta Institute for Public Policy for \$500.

Motion to approve Agenda items 5A-5C, 5E-5J, and 5L-5N 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**

Agenda items 5D and 5K were pulled from the Consent Calendar, and will be considered at the August 25, 2011 Special Council meeting.

## **AGENDA ITEM 7, PRESENTATION**

Monterey-Salinas Transit (MST), Assistant General Manager Hunter Horvath, presented a senior transportation program designed to provide the elderly and those with disabilities a means of travelling from one destination to another. Mr. Horvath distributed a Draft informational booklet to the Council. MST is proposing to the members of the Regional Taxi Authority, of which Sand City participates, to consider being part of this program. Eligible individuals are issued a voucher, which they present to the Taxi driver and pay a \$3.00 co-pay fee. The destination must be within the Monterey Peninsula Zone from the City of Pacific Grove to Marina. The voucher has a \$14 value, and the Taxi driver would submit these to MST for a refund. Sand City would be billed \$7.00 dollars for the ride. It would provide major access to Sand City's shopping destination. MST would handle the accounting and would send a bill either quarterly or yearly for the City's shared cost. As an example, the City of Monterey has pledged \$10,000, due to their population. MST is requesting a nominal amount to the program, based on Sand City's population of approximately 30-35 seniors, and considering that not every senior will need transportation. This program has been tested in a senior community in Carmel Valley. The \$3 dollar co-pay has encouraged seniors to share rides. MST plans to have specific arrangements with taxi companies, and is not open to every taxi driver, or company. This is a two year grant funded program to see how this service will work within the community. MST plans to start the program on September 12, 2011, and will be available for 2 years through 2013.

Vice Mayor Carbone, asked if there is a \$14 cap. If so, would riders pay above the cap?

Mr. Horvath replied that a majority of the trips can be made for approximately \$17 dollars, and should not exceed that amount if the individual were to travel within the area. The individual is responsible for paying any amount above the \$17 metered amount.

There was Council consensus to contribute \$300 to the MST Senior Voucher Program. A resolution will be presented to the Council at the August 25<sup>th</sup> Special Meeting.

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

- A. Associate Planner Charles Pooler presented an application submitted by Gachina Landscaping to use an existing fenced yard for storage of six commercial landscape vehicles. The site was formerly owned by Ross Roofing, and has a chain link fence with wood slats in poor condition. The

company's main office is in Menlo Park, so the Sand City site will function as a satellite yard for contracts here on the Peninsula. The City's Municipal Code does not have a requirement for storage yards, so parking must be evaluated upon the use and scale of the operation. Staff recommends that the permit require one parking space for each of the vehicles to be stored within the fenced yard. Vehicles should not be parked or stored within any public right-of-way. Personal vehicles are to be parked inside the yard, and staff recommends this as a condition of permit approval. Since the property is located within the South of Tioga Redevelopment Area, Staff further recommends approval of the use permit with a one year time limit, with the possibility of ninety day time extensions thereafter.

7:29 P.M. Floor opened for Public Comment.

Real Estate Broker Pete Erickson commented that Mr. Gachina is an exemplary professional in his field, and comes highly recommended. On behalf of Mr. Gachina, Mr. Erickson commented that he is in agreement with the conditions of the permit.

7:30 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution by title**, approving Conditional Use Permit 527 for Gachina Landscape Maintenance allowing the storage/parking of company vehicles on property at the northwest corner of Scott Street and East Avenue (APN 011-134-011) as an interim use until the South of Tioga Redevelopment Project is ready to proceed 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.

***{Council Member Blackwelder 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 an application by Consolidated Electrical Distributors for storage and sales of wholesale/retail electrical distribution at 425 Orange Avenue. The entire building is approximately 13,000 square feet, divided into two units. The applicants unit is 700 square feet. There will be six full-time employees and two company vehicles. Five spaces can be accommodated on the Orange Avenue frontage, with two additional spaces on Shasta Avenue. Adequate parking can be provided on site for future uses of the adjoining unit if needed. Deliveries should not occur before 10:00 a.m. due to residential units within the area. Ten deliveries will be made during the week on flatbed trucks. Upon further review, there may be a possibility that some trucks will have to load/unload on Shasta Avenue. This loading/unloading activity would require a possible amendment to condition 7 of the permit. As a whole, the proposed use poses little impact. All storage must be properly screened. Staff recommends approval of the conditional use permit with the

amended conditions as suggested.

Mr. Pooler handed out recommendations to revisions of condition 7 regarding loading/unloading.

7:40 P.M. Floor opened for Public Comment.

Real Estate Broker Pete Erickson commented that customers come during the morning hours. Most delivery trucks will arrive mid-day. Consolidated Electrical Distributors is a reputable group with over 60 locations nationwide. On behalf of the applicant, Mr. Erickson commented that he is in agreement with the conditions of the permit and the revision to condition 7.

7:41 P.M. Floor closed to Public Comment.

Council Member Kruper expressed his concern regarding parking. Vehicles will use any available parking, and is concerned with neighboring impacts.

Police Chief Klein stated that there is a parking problem in the community, and that these spaces could be used by others. The parking may be on private property by virtue that it is on the apron. However, on public streets it is first come, first served. The property owner would have to take care of towing arrangements if parked vehicles on private property did not belong there.

Motion to approve the City **Resolution by title**, as amended; approving Conditional Use Permit 526 for Consolidated Electrical Distributors allowing the establishment of an Electrical Part Wholesale/Retail Business and New Storage Yard at 425 Orange Avenue was made by Council Member Carbone, 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 9, OLD BUSINESS**

City Engineer Richard Simonitch reported that a bid opening occurred this afternoon for the Bike Trail Interconnect Project. Five bids were received. The lowest bid was submitted by EAR engineering for \$26,445, and the highest bid was \$57,276 by the Don Chapin Company. A full staff report will be provided at the September 20<sup>th</sup> City Council meeting. The trailer located at the New Public Works Corporation yard has been moved, and the security fence will be going up. The desalination plant mid-month production report is over 13 acre feet. This is a positive number considering that we are only half way through the month. The desalination plant will be shut down for the clean-in-place process. Creegan & D'Angelo will be part of the "green" scene and will do a presentation of the desalination plant

during the West End Celebration.

Mayor David Pendergrass reported that he met the new Monterey Peninsula Water Management District's incoming General Manager, David Stoldt. The desalination plant's production is on target and the City should meet its goal of producing 300 acre feet by the end of the year.

The City Administrator reported that the California Coastal Commission held a meeting last week in Watsonville to consider the test wells for the Regional Water Project. They continued the test well application until most of the controversy on the Regional Water Project has concluded, particularly the potential conflict of interest claim. This may set the project back six months to a year. Cal-Am may look for alternatives to the Regional Water Project. Staff advised several months ago, that in order to have a successful water project, there will need to be test wells. Due to an illness, Peter Douglas will be resigning in November from the Coastal Commission. It is hopeful that the new director will be more sympathetic towards Sand City's proposed projects, especially those along the coast. Next Tuesday, Mr. Matarazzo and the City Attorney will meet with the California Public Utilities Commission staff to talk about Cal-Am's rate case on Sand City's water plant. The Administrative Law Judge has denied their claim for reimbursement for Sand City's thirty one year lease. Cal-Am's concern is that they need to be reimbursed by the rate payers for legitimate water being produced. The California Coastal Commission asked us to integrate Sand City's plant with the Cal-Am system, which was done. The State Water Resources Control Board requested Cal-Am to look for small projects, which they did. This message will be related to the CPUC Staff next Tuesday.

Council Member Blackwelder added that the City should be able to make a case that we are producing water, and had to build a facility to produce that water. It would be unfair to compare Sand City with an agency that is yet to produce any water.

Mayor David Pendergrass commented that the Public Utilities Commission authorized the Regional Water Project without a test well. The County mentioned that the three way agreement is void. Cal-Am sent a letter to the Marina Coast Water District that they are in violation since no financing was made available. Cal-Am is really looking for water alternatives, and will be meeting at the Hyatt to discuss alternative water resources.

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

- A. There was Council Consensus to cancel the September 6, 2011 Council meeting due to the Labor Day Holiday.
- B. Council Member Hubler reminded the Council that on September 9<sup>th</sup> an art

Reception will be held for Suzanne St. John's paintings in the Council Chambers. There were no additional RSVP's.

**AGENDA ITEM 11, CLOSED SESSION**

Attorney Sidney Morris deemed that there was no need for Closed Session.

**AGENDA ITEM 12, ADJOURNMENT**

Motion to adjourn the meeting was made by Council Member Hubler, seconded by Council Member Kruper, to the Special Council meeting scheduled for August 25, 2011 at 5:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:06 p.m.



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Connie Horca, Deputy City Clerk