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

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Regular Meeting – November 1, 2011  
7:00 P.M.  
CITY COUNCIL CHAMBERS

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Mayor Pendergrass opened the meeting at 7:02 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  
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, Police Chief  
Linda Scholink, Director of Administrative Services/City Clerk  
Charles Pooler, Associate Planner

**AGENDA ITEM 4, COMMUNICATIONS**

- A. There were no written communications distributed tonight.
- B. Oral

7:05 P.M. Floor Opened for Public Comment.

Margie Anderson, (Resident): Stated that she takes walks around the City; and as a gardener, she is concerned with our trees that need to be watered and trimmed.

7:06 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 of the Sand City Council Meeting Minutes October 4, 2011.
- B. There was no discussion of the 2011 League of California Cities Final Report, Resolutions Approved.
- C. There was no discussion of Denying the Claim submitted by David Hurst for opened mail at the Sand City Salvation Army.
- D. There was no discussion of the Fort Ord Reuse Authority (FORA) Monthly Report, October 2011.
- E. There was no discussion of the HdL Sand City Sales Tax Update, 2<sup>nd</sup> Quarter Sales for 2011.
- F. There was no discussion of the City/Redevelopment Agency Financial Report, September, 2011.
- G. There was no discussion of the City Donation to the Salvation Army Thanksgiving Season for \$250.

Motion to approve the Consent Calendar was made by Council Member Blackwelder, 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 was no need for this item.

### **AGENDA ITEM 7, PRESENTATION**

Mayor Pendergrass thanked Steve Vagnini for the great job he did on the tenth anniversary of the West End Event. Mayor Pendergrass and Steve Vagnini presented certificates of appreciation to those volunteers and supporters in attendance for their contributions to the West End Event. Both Mayor Pendergrass and Steve Vagnini praised each of the volunteers/contributors individually. Everyone agreed it was a very successful event.

Mayor Pendergrass presented Steve Vagnini with a framed certificate of appreciation and a "Key to the City plaque". Mayor Pendergrass thanked Steve Vagnini for an outstanding job in coordinating the tenth anniversary of the West End Celebration.

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

- A. Associate Planner Charles Pooler requested the public hearing for the Peter Standridge/PJSTile's conditional use permit application be continued to the November 15, 2011 Council meeting. The Monterey Peninsula Water Management District (MPWMD) has now provided a determination regarding water use for the applicant; but with insufficient time for City staff to review before this Council meeting. He also stated that he had just been informed the applicant was going to appeal the water use determination made by MPWMD, which may cause further delays.

Council Member Kruper made a motion to continue this item to the November 15, 2011 Council meeting, and Council Member Hubler seconded the motion. There was Council consensus to continue the meeting to November 15, 2011.

- B. Associate Planner Charles Pooler presented an application submitted by Paolo Manca, representing P.M. Landscaping Service, for site plan and conditional use permit approval to erect a fenced yard for the storage of vehicles and a shed for storing small equipment on vacant property located at the end of Fir Avenue, adjacent to 842 Fir Avenue. The applicant has been informed that their use will be temporary until redevelopment of the South of Tioga Redevelopment Project Area can proceed.

The site was once used for the percolation pond for the former Monterey Fish Company operation. The application is for the creation of an approximate 10,000 square foot storage yard, divided into two 5,000 square foot sections, of which the applicant will occupy the one section. Deliveries of supplies and materials are typically made directly to the contract job sites and not to the Fir Avenue location. There will be no servicing or repairs of vehicles and/or equipment at this site.

The fence will consist of 6-foot tall chain link. Staff had recommended the permit require slats or other effective screening; however the property owner contacted the City today and requested the City require slats only. Staff concurs with this request. The applicant's vehicles are primarily pick-up trucks and vans. There is adequate area on site to park these vehicles. The permit should require one parking space for each of the vehicles to be stored on site.

There are eight employees. Staff recommends the permit require employees park their vehicles within the yard when at contract jobs sites in company vehicles. The permit should prohibit parking within the sand dunes or other environmentally sensitive areas.

As with other use permits within the South of Tioga Project Area, staff is recommending a one year time limit, with the possibility of ninety day time extensions thereafter. Staff recommends approval of the site plan permit and conditional use permit for PM Landscaping for a term of one year with the possibility of 90-day extensions thereafter until the redevelopment of the area is ready to proceed.

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

**Mike Morris**, (Resident): stated he was concerned whether this permit would increase the traffic across the dunes on to Merle Street from Tioga Avenue.

There was discussion about revising condition #5 regarding the slats for the fencing and adding a condition requiring the entry and exit of the site only through Fir Avenue and/or East Avenue. The Mayor asked the applicant if he was in agreement with the conditions of the permit as amended. Mr. Manca stated that he was in agreement.

7:40 P.M. Floor closed to Public Comment.

Motion to approve City **RESOLUTION**, as amended, approving Site Plan Permit 11-03 and Conditional Use Permit 532 for PM Landscaping to establish a 10,000 square foot Fenced Yard and Occupy 5,000 square feet thereof for Storage of Vehicles and Equipment on property fronting Fir Avenue (APN 011-136-019) as an interim use until the South of Tioga Redevelopment Project is ready to proceed 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.

B. Associate Planner Charles Pooler presented an application submitted by Kelly Howell, representing Kelcon Construction, for conditional use permit approval to occupy a new 5,000 square foot fenced yard for the storage of company vehicles, material, and equipment on property located at the end of Fir Avenue. The applicant has been informed that their use will be temporary until redevelopment can proceed. The yard will be used for the storage of trucks, cargo vans, a dump trailer, and a skid steer loader. The applicant desires to place a storage container on-site to store and lock up tools. Fencing will consist of chain link with gate access to the north side. This operation currently has three employees. Delivery of supplies/material will be made to contract job sites; however, there will be storage of residual construction materials for use at later jobs.

There is adequate area on-site to park the intended vehicles in an orderly fashion. The permit should prohibit parking in the sand dunes. The permit should require one parking space for each of the vehicles to be stored on-

site. Staff recommends the permit require employees to park their personal vehicles within the fenced yard when out at contract job sites in company vehicles. The applicant requested, to park and store a personally owned boat and jet-ski within the fenced yard, which are not associated with Kelcon Construction. Storage of a jet-ski within the yard would be relatively indistinguishable from the commercial vehicles in the yard, as a jet-ski would remain below the height of the fence. However, a boat, depending on its size, could easily exceed the height of the fence. If the Council desires, the permit could include language to prohibit the storage of a boat, but staff has not included any such restriction in the draft permit as presented. As other permits in the South of Tioga Project Area, staff recommends a one year time limit with the possibility of ninety day time extensions thereafter. Staff recommends approval of the conditional use permit for Kelcon Construction.

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

**Kelly Howell**, (applicant): Agreed to the conditions as amended, (similar to the conditions of the previous conditional use permit), when asked by the Mayor if he agreed with the conditions. The Mayor welcomed him to Sand City, congratulated him, and cautioned him about adhering to the permit regarding the storage of his boat, and not to make a collection of items stored under this permit.

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

Motion to approve City **RESOLUTION** by title only as amended approving Conditional Use Permit 533 for Kelcon Construction to occupy 5,000 square foot Storage Yard on property fronting Fir Avenue (APN 011-136-019) for Vehicle and Equipment Storage 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, and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

## **AGENDA ITEM 9, OLD BUSINESS**

A. City Engineer Richard Simonitch reported that he had not received the production report from Cal-Am for the month of October for the desalination plant. The Tioga Avenue interconnect project should be finished soon, and the corporation yard is just about finished; except for some items the public works crew needs to complete.

City Administrator Steve Matarazzo reported that the Orosco Group may have a presentation on what they are proposing for "The Independent" building at the next Council meeting in November.

The Mayor added that he heard there is a possibility the "Orosco group", may split the Borders space into 3 separate units.

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

- A. The City Administrator stated the HdL report, (California Forecast: Sales Tax Trend and Economic Drivers, September, 2011), was information only and is one of the additional items HdL provides along with the information and support regarding sales tax, property tax and business licensing.
- B. The City Clerk informed the City Council that she has passes to the Monterey Peninsula Chamber of Commerce mixers, if they would like to attend. Also, she reminded the Council and the audience of the Christmas tree lighting scheduled for December 2<sup>nd</sup>.

***[There was a short recess from 7:55 p.m. to 8:06p.m., before Closed Session began]***

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

8:06 P.M.

- 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)*

8:20 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.

Legal Council updated the City Council on items A -1 (b, c, e and f). No action was taken.

## **AGENDA ITEM 12, ADJOURNMENT**

Motion to adjourn the meeting was made by Council Member Blackwelder, seconded by Council Member Hubler, to the next regularly scheduled Council meeting on November 15, at 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:22 p.m.

  
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Linda K. Scholink, City Clerk