

MINUTES

JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – August 17, 2010
7:00 P.M.
CITY COUNCIL CHAMBERS

Mayor Pendergrass opened the meeting at 7:01p.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 (excused absence)
 Council Member Hubler (arrived at 7:03 p.m.)
 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

AGENDA ITEM 4, COMMUNICATIONS

- A. There was no written communication distributed to the Council.
- B. Oral

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

There was no comment from the Public.

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

Council Member Hubler commented that the current photographic display in the Council Chambers was provided by photographer, Fred Ariano. Taken during the Monterey Jazz and Pop Festivals several years ago, the pictures show artists such as Janice Joplin, The Who, Jerry Garcia, and the Beach Boys.

Mayor Pendergrass reminded the Council that the non-profit organization, Guitars not Guns will be featuring the White Album Ensemble at Friday night's West End Celebration kick-off party. Monterey-Salinas Transit will be providing transportation to and from the West End Celebration.

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 #257, Precision Porche (auto), 475-C Olmymia 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/Riphenberg (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 August 3, 2010.
- C. There was no discussion of the Public Works Monthly Report, July 2010.
- D. There was no discussion of the Police Department Monthly Report, July 2010.
- E. There was no discussion of the City **Resolution** authorizing renewal of the Building and Inspection and Plan Check Services Agreement with the City of Monterey.
- F. There was no discussion of the 2010 Annual League Conference Resolutions Packet and Notice of League Annual Meeting.
- G. There was no discussion of the City Donations/Contributions to the Panetta Institute for \$500 and to the American Diabetes Association for \$300.

Motion to approve the Consent Calendar was made by Council Member Blackwelder, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: Council Member Carbone. 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. Mark Anicetti, member of the National Association of Insurance and Financial Advisors (NAIFA) made a presentation regarding his organization's primary goal which is to educate the public on the importance of having life insurance should a devastating or unforeseen event happen. In this economy, most people have exhausted their savings and are now living on their retirement funds. NAIFA would like to bring public awareness through support of a proclamation or resolution from the City Council, so that citizens would know what is available to them, and the significance of having some form of life insurance.

Motion to approve the City **Resolution** recognizing September 2010 as "Life Insurance Awareness Month" was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: Council Member Carbone. ABSTAIN: None. Motion Carried.

AGENDA ITEM 8, PUBLIC HEARINGS

- A. City Administrator Steve Matarazzo reported that this ordinance is being introduced to the Council for second reading and approval. Rezoning a portion of the property located at 321 Shasta Avenue to Public Facilities (PF) and amending the zoning Ordinance text to provide a definition of "Homeless Shelters" allowing homeless shelters as a permitted use in the PF Zoning District. This would permit the City to construct a 2 bed homeless shelter and meet the requirements of the Housing Element. Staff recommends the approval of the attached ordinance.

7:13 P.M. The floor was opened for Public Comment.

There was no comment from the Public.

7:13 P.M. The floor was closed to Public Comment.

Motion to approve the **SECOND READING** of the **Ordinance** rezoning a portion of property located at 321 Shasta Avenue to Public Facilities (PF) and amending the Zoning Ordinance Text to provide a definition of "Homeless Shelters" and allow Homeless Shelters as a permitted use in the PF Zoning District was made by Council Member Hubler, seconded by Council Member Blackwelder. Roll Call Vote was taken. AYES: Council Members Blackwelder, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: Council Member Carbone. ABSTAIN: None. Motion Carried.

- B. The applicant, Brandon Wiggins was not present due to a scheduling conflict. Associate Planner Pooler commented that there should be no issue with proceeding with this application without the applicant, as it is a simple small storage use of plants and gardening supplies. The subject property is at 840/842 Fir Avenue with in the South of Tioga Redevelopment Project area. Staff is recommending approval of the permit for a period of one year with the options of a 90-day time extensions thereafter. Mr. Pooler responded to Council Member Kruper's inquiry that there will be live plants and seedlings stored on-site.

7:17 P.M. Floor was opened for Public Comment.

There was no comment from the Public.

7:17 P.M. Floor was closed to Public Comment.

Motion to approve the City **Resolution** approving conditional use permit 509 for Vision Landscaping Incorporated allowing storage and limited wholesale at 840/842 Fir Avenue 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, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: Council Member Carbone. ABSTAIN: None. Motion Carried.

Mayor Pendergrass commented that the Council would have appreciated the applicant be present to address any concerns and/or questions.

- C. Associate Planner Charles Pooler presented an application for a Coastal Development Permit to implement sand nourishment/replenishment of eroding coastal dunes located west of Highway 1 adjacent to the southbound freeway on-ramp at Fremont Boulevard and is approximately 21 acres. The applicant, Tim Jensen of the Monterey Peninsula Regional Park District, is requesting to replace the loss of sand on the bluff and return the dunes to a condition prior to erosion. Sand will be provided by Cal-Trans from their clean-up of sand deposited on Highway 1 from coastal winds. Since a portion of the property runs through the coastal bike trail, the trail will need to be closed during this project. The project should take no more than 2 days to complete. The applicant is responsible for cleaning and removing all sand from the bike trail so that the trail can be safely used after working hours. It is also required that the applicant replace any damage or loss to the dune flora with native species. Staff recommends approval of the attached coastal development permit.

7:22 P.M. Floor was opened for Public Comment.

The applicant, Mr. Tim Jensen commented that the project would serve the purpose of forestalling the gulying of the dunes due to high winds and natural beach erosion. It is an opportunity to take advantage of the free sand Cal-Trans is providing, which they are willing to take to the beach at their expense. Mr. Jensen will abide by any conditions the City may request, and is in agreement with the coastal development permit.

Chief of Police Michael Klein added that the applicant will be required to sweep the bike path at the conclusion of every work day. The City will post all detour signs so that normal daily activity may occur without too much interference. If any damage should arise during the course of the project, the applicant is aware that they will be responsible to repair them. Staff is in favor of this project since it will help to stabilize the dunes.

7:28 P.M. Floor was closed to Public Comment.

Motion to approve the City **Resolution** approving Coastal Development Permit (CDP) 10-04 allowing the Monterey Peninsula Regional Park District (MPRPD) to conduct Sand Nourishment/Replenishment of Eroding Dunes was made by Council Member

Blackwelder, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: Council Member Carbone. ABSTAIN: None. Motion Carried.

AGENDA ITEM 9, OLD BUSINESS

- A. Mayor Pendergrass reported that at the Monterey Regional Water District (MRWD) meeting, Ed Ghandour's Monterey Bay Shores project was approved by a 7-0 vote for his long sought-after water distribution permit. Mr. Ghandour had special counsel present and eight people spoke in favor of the permit.

City Engineer Richard Simonitch met with Cal-Am Water and the Department of Public Health (DPH) to address Tioga well #5. The forensic report came back with regard to silt in the membranes, and there was no problem. However, DPH would like more assurance, and is requesting that Cal-Am present enough data to assure that there will be no threat to public health. The plant is up and running and the air problem has been resolved. It is going through testing this week showing positive results.

City Administrator Steve Matarazzo reported that he and Mr. Simonitch will be speaking at Thursday's meeting of the California Association of Sanitation Agencies (CASA) regarding the desalination plant.

City Engineer Richard Simonitch added that TruTV, formerly Court TV, would like to interview him, do a tour and film a documentary of the desalination plant.

Mayor Pendergrass reported that at an upcoming CASA event, he will be giving the welcoming address, and Mr. Matarazzo will be doing a presentation in the afternoon. At the last meeting with the Grand Jury, the Jury expressed an interest in touring the desalination plant. Staff has scheduled August 26, 2010 for this tour. Bill Monning contacted the Mayor as well, and would like to schedule a personal tour of the plant on September 22nd.

Associate Planner Charles Pooler reported that Costco is still interested in expanding their location to add a gasoline station. No permits have been pulled to date. Representatives for the Chipotle franchise have also met with Mr. Pooler regarding the former Wachovia Bank location, and they are seriously looking at utilizing the space as a future restaurant.

AGENDA ITEM 10, NEW BUSINESS

- A. Mayor Pendergrass reminded the Council of the upcoming League of California Cities Conference. The Deputy City Clerk confirmed that flight dates and transportation arrangements have been made.

AGENDA ITEM 11, CLOSED SESSION

7:47 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*

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

2) To confer with Real Property Negotiator regarding sale of City owned property, Government Code Section 54956.8

<i>Property Address/Description:</i>	<i>John Street Lots, APN #011-177-009</i>
<i>City Negotiator:</i>	<i>Steve Matarazzo, City Administrator</i>
<i>Negotiation Parties:</i>	<i>Bella Mare Investments, LLC</i>

8:07 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.

11A (1) a-e. There was no action taken on these items.

11A (2) The Council gave direction to Real Property Negotiator, Steve Matarazzo.

AGENDA ITEM 12, ADJOURNMENT

Motion to adjourn the City Council Meeting was made by Council Member Hubler, seconded by Council Member Kruper to the next regularly scheduled Council meeting on September 21, 2010 at 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:08 p.m.



Connie Horca, Deputy City Clerk