

# MINUTES

## JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

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Regular Meeting – October 19, 2010  
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 Robert Hellam.

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, Chief of Police  
Charles Pooler, Associate Planner  
Connie Horca, Deputy City Clerk

### AGENDA ITEM 4, COMMUNICATIONS

- A. Written communications distributed to the Council included a report from Vice Mayor Carbone on her attendance at the Technology Boot Camp, and information on Monterey County's Adopt-a-Beach Program.
- B. Oral

7:04 p.m. Floor opened to Public Comment.

There was no comment from the Public.

7:04 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. 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 use permits (1) & (3). Permits (2) and (4) were pulled from the Consent Calendar for Council consideration.

- (1) CUP #413, Sculpture Works (manufacturing), 460 Elder Avenue
- (2) CUP #491, Cross-Fit (gym), 495-C Elder Avenue
- (3) CDP #95-09, Slakey Brothers (warehouse), 321 Orange Avenue
- (4) CDP #08-08, Granite Construction (soil remediation), APN 011-102-016

- B. There was no discussion of the Sand City Council Meeting Minutes, October 5, 2010.
- C. There was no discussion of the City **Resolutions** Honoring the following Individuals for their contribution to the Youth of Monterey County: 1) Lauren Cohen, 2) Billy Coleman, 3) Mel Mason, 4) Chief Manuel J. Real, 5) Regina Mason.
- D. There was no discussion of the Public Works Monthly Report, September 2010.
- E. There was no discussion of the Police Department Monthly Report, September 2010.
- F. There was no discussion of the City/Redevelopment Agency Financial Report, July 2010.
- G. There was no discussion of the Fort Ord Monthly Report (FORA), October 2010.
- H. There was no discussion of the City **Resolution** approving a 90-day time extension of Conditional Use Permit 450 for Glass Mosaic Tile & Marble as a continuing interim use within an existing building at 1855-B East Avenue.
- I. There was no discussion of the City **Resolution** approving a 90-day time extension of Conditional Use Permit 455 for Glass Mosaic Tile & Marble as a continuing interim use within an existing building at 840 Fir Avenue.
- J. There was no discussion of the City **Resolution** approving a 90-day time extension of Conditional Use Permit 473 for Web Commerce LLC to continue their wholesale/retail operation as an interim use at 865 Fir Avenue.
- K. There was no discussion of the City **Resolution** approving a 90-day time extension of Conditional Use Permit 481 allowing Monterey Bay Plumbing to continue their contractor operation as an interim use at 856 Tioga Avenue.
- L. There was no discussion of the City **Resolution** approving the Association of Monterey Bay Area Governments (AMBAG) By-Law Revisions of 2010.
- M. There was no discussion of the City Donations/Contributions to the Salvation Army for \$500.

Motion to approve Consent Calendar item 5A (1) & (3), and items 5B through 5M

was made by Council Member Blackwelder, seconded by Council Member Carbone. 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**

Items 5A (2) was pulled from the Consent Calendar due to the business no longer operating in Sand City, and item 5A (4) was pulled due to project completion.

## **AGENDA ITEM 7, PRESENTATIONS**

- A. Mayor David Pendergrass presented Certificates of Appreciation to John Pasinosky, and Cub Scout Pack #106 for their participation of Sand City's Beach Clean Up Day. Vice Mayor Mary Ann Carbone accepted a certificate of recognition to Mike Rosales on behalf of Cub Scout Pack #68 who came for the beach clean up with a group of 40 people a week early, but was not able to attend the Council meeting.

## **AGENDA ITEM 8, PUBLIC HEARINGS**

- A. Associate Planner Charles Pooler presented Coastal Development Permit 08-03 issued to Fit Athletics at 880 Tioga Avenue for Council consideration. This permit, originally approved in February 2008 to Emmanuel Marchica, is for an interim use until the South of Tioga Redevelopment Project is ready to proceed. The permit has a 1-year time limit with 90-day time extensions at the City Council's discretion. The facility is in the process of transferring ownership to Bobby Wrighton. Staff is recommending that the permit be amended to address specific issues of concern such as special events, specifically prohibiting special events such as, but not limited to martial arts exhibitions and dance competitions. Martial arts training may continue, however the exhibitions would be prohibited. Other items of concern also included trash accumulation, graffiti, and non-permitted signs that have been addressed in the proposed permit amendment. Fit Athletics should be able to continue doing business with the proposed modifications with the applicant's adherence to those modifications. Staff recommends the approval of a 90-day time extension to January 20, 2011 to include the property owner's signature, and the adoption of the suggested permit amendments.

Chief of Police Michael Klein commented that the green frames on top of the roof need to be removed, and from a public safety perspective, how will this and other issues be addressed.

Council Member Hubler added that exhibition matches involving minors have occurred within the gym, and that the City was not informed of these matches.

7:31 p.m. Floor opened to Public Comment.

The applicant, Bobby Wrighton, informed the Council that he had met with Associate Planner Pooler to address these concerns. A number of these issues were inherited from the previous owner. In the process of ownership transfer, Mr. Wrighton has cleaned up the property, and has done some work within the building. He is presently waiting for approval to take the green

frames to the waste facility. Mr. Wrighton is marketing the gym to reach out to the community by being involved in various events. He is working with members of Team in Training, a group that raises money for people diagnosed with leukemia. He has spoken with the martial arts instructor regarding obtaining a separate use permit should he desire to continue to use the gym. Mr. Wrighton is in agreement with the amendments to the use permit.

7:39 p.m. Floor closed to Public Comment.

Mayor Pendergrass added that in the best interest of the City, any future uses within the gym should remain under one permit so that the business owner can be the primary point of contact.

Associate Planner Pooler suggested that the applicant consider putting mesh fencing to avoid illegal dumping of waste inside the enclosure at that location. However, this would not prevent waste being left outside the dumpster. An alternative would be to move the trash enclosure to a new location less visible on the property.

Council Member Blackwelder commented that he has been a member of the gym for six months, and Mr. Wrighton and his family have done a good job in cleaning up the facility. Mr. Wrighton has a heart for the community, and he has confidence that Mr. Wrighton will continue to be an asset to Sand City.

Motion to approve the City **Resolution** to amend Coastal Development Permit 08-03 addressing specific land use issues and granting a 90-day time extension of said permit for Fit Athletics Center/Gym at 880 Tioga Avenue 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.

- B. Associate Planner Charles Pooler presented an application for a conditional use permit by Jaime Gomez and Jack Waite to establish and operate a buy-back recycling facility at 1795 California Avenue. The applicants are aware that this location is part of the South of Tioga Redevelopment area, and use of the site is temporary. The location was that of the former Ross Roofing. The property is surrounded by a 6-foot high chain-link fence with wood slats and barbed wire. The yard contains concrete troughs for material storage, and has concrete pavement throughout with channels to direct on-site storm water run-off. The applicant will use the facility to buy-back CRV (California Redemption Value) items and other scrap metals. The yard will be used for parking, collection, and stockpiling of recycled materials. The main entrance is located at the bend of California Avenue; making it a blind spot for oncoming West bound traffic that would require the applicant to post warning signs on-site. The City's Municipal Code prohibits polluted water run-off to enter into the storm drain. The proposed use would have negative impacts such as noise, soot, vibration and dust generated during the course of business activity. If the site is not properly maintained, insects and vermin may also pose a problem. Since this is a temporary use, Staff recommends approval of a conditional use permit for 1 year, whereby the permit terminates unless extended in 90-day increments.

Police Chief Michael Klein commented that a primary concern of this type of use would be the fire issue, such as the one that recently occurred at a recycling facility in San Benito County. The problem of unwanted recyclables would generate additional trash, and the use poses additional concerns of what to do with out lying trash. This would take additional time from the Public Works Department and the HOPE crew to continue maintaining the cleanliness of the area.

The Council brought up concerns regarding plastic items that have no redemption value and scrap metals that may be brought to the facility.

7:58 p.m. Floor opened to Public Comment.

The applicant Jaime Gomez commented that he operates several buy-back locations in Northern California, and a small location behind Whole Foods in Monterey. The buy-back facility would accept all plastic containers regardless of redemption value and small scale scrap metals. A container would be provided for items that may contain liquid; however the recyclables would need to come in cleaned and uncontaminated. This would prevent any wash out at the facility. The items would be compressed on site, or shipped to the Fairfield, California facility. The public would also be allowed to bring in cardboard items to the location as well.

Property owner Don Orosco added that the community is sensitive to the green movement, and he would appreciate the interim use of the property for this purpose. The rental income would assist DBO to offset its sizeable holding costs pending the launch of the South of Tioga Redevelopment Project.

8:03 p.m. Floor closed to Public Comment.

The City Council further discussed the impacts of the applicants proposed use, and the problems that may arise due to traffic, potential fire hazards, and visibility of recycled items as seen from the main street. There was no motion to approve Conditional Use Permit 510. Staff will present findings for denial at the November 2, 2010 Sand City Council meeting.

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

- A. City Engineer Richard Simonitch reported that the twenty-eight day acceptance testing was completed and signed by Cal-Am yesterday. He congratulated the Council and Staff who assisted in the project's completion, and hopes to see a lot of water in the future. Creegan and D'Angelo will continue to monitor flow rates with monthly reports to the Council of water production rates. The Storm Water Management Program draft annual report was filed with the State Water Resources Control Board. Staff will continue to work with the Public Works Department on the City's landscape and irrigation issues.

City Administrator Steve Matarazzo reported that Cal-Am submitted their rate case to the California Public Utilities Commission (CPUC) regarding the Sand City Water Supply Project. Mr. Matarazzo and the City Attorney plans to attend the November 3<sup>rd</sup> CPUC staff meeting to further explain the benefits of

the desalination project, why it helps Cal-Am and the over pumping of the Carmel River.

Associate Planner Charles Pooler reported that Staff has received applications from Chipotle at the former Wachovia building and from Sports Authority at the former Circuit City location. The Design Review Committee will meet in November for architectural approval of Sports Authority's application.

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

- A. There was no discussion on the "Major Features of California's 2010-11 Budget" by the Legislative Analyst's Office.
- B. The Deputy City Clerk reminded the Council of the upcoming Seaside-Sand City Chamber Halloween Bash on Friday, October 29.

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

The City Attorney deemed that there was no need for closed session.

#### **AGENDA ITEM 12, ADJOURNMENT**

Motion to adjourn the City Council meeting was made by Council Member Kruper, seconded by Council Member Hubler to the next regularly scheduled Council meeting on November 2, 2010 at 7:00 p.m. There was unanimous consensus of the City Council to adjourn the meeting at 8:27 p.m.

  
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Connie Horca, Deputy City Clerk