

MINUTES

JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – November 2, 2010
7:00 P.M.
CITY COUNCIL CHAMBERS

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, 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.

Sand City resident, Michael Morris, commented that he requests reappointment to the Northern Salinas Valley Mosquito Abatement District of which he has served as Chair of the Board for the past three years. He would be honored to continue to represent the residents of Sand City.

Art Committee Member, John Chappell formally announced that he will be stepping down from the Sand City Art Committee. He appreciated the opportunity to have served as a member the last few years, and he would like to continue as a volunteer for any future community events.

7:08 P.M. Floor Closed to Public Comment.

Mayor Pendergrass commented that the Council would like to see Mr. Morris continue his appointment to the Northern Salinas Valley Mosquito Abatement

District. He also thanked Mr. Chappell for serving as part of the Sand City Art Committee.

There was Council consensus to pull the draft agreement regarding the 2011 West End Celebration, with the exception of the resolution regarding SLV Management.

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 for October 19, 2010.
- B. There was no discussion of the City Resolution authorizing an agreement for Jail Services with the City of Seaside.
- C. There was no discussion of the reappointment of Michael Morris to the Northern Salinas Valley Mosquito Abatement District.
- D. There was no discussion of the City Resolution recognizing November 2010 as National Family Caregivers Month in the City of Sand City.
- E. There was no discussion of the City/Redevelopment Agency Monthly Financial Report for August 2010.

Motion to approve the Consent Calendar 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.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled from the Consent Calendar.

AGENDA ITEM 7, PRESENTATION

- A. Mayor David Pendergrass presented Certificates of Appreciation to the supporters, volunteers, and businesses who were involved in the success of the 2010 West End Celebration. Mayor Pendergrass also acknowledged Deirdre Bascou for her hard work, time and commitment to the success of the West End Celebration, and presented her with the key to the City.

AGENDA ITEM 8, PUBLIC HEARING

- A. Associate Planner Charles Pooler presented an application for a coastal development permit to construct missing links of the public pedestrian walkway along Tioga Avenue along the east and west sides of the freeway overpass. Paved walkways are missing between the residence at 740 Tioga Avenue and the bridge overpass, and between the overpass and the coastal bike trail at Sand Dunes Drive. These missing walkways force pedestrians to walk along the roadway into general traffic. The proposed project will consist

of constructing a 4-foot wide concrete pavement with hand railing; performed by the Public Works Department during daytime weekday hours. The completed project would establish a crosswalk at the Tioga Avenue/Sand Dunes Drive intersection. Staff recommends the approval of the attached Coastal Development Permit 10-05 for the Tioga Avenue Pedestrian Interconnection Project.

7:25 P.M. Floor opened for Public Comment.

Sand City resident, Michael Morris commented that he regularly walks the route over the freeway overpass. Pedestrians and mothers with strollers are forced to step into roadway traffic due to certain sections of the sidewalk that are not completed. This poses a public hazard when cars must share the road as well. Mr. Morris believes this is a much needed improvement project.

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

Motion to approve the City **Resolution** approving Coastal Development Permit 10-05 for a City Public Works Pedestrian Improvement Project along Tioga Avenue at the freeway overpass was made by Council Member Carbone, seconded by Council Member Hubler. AYES; Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None.

AGENDA ITEM 9, OLD BUSINESS

- A. A resolution was presented denying a Conditional Use Permit for a CRV Recycling Buy-Back Center at 1795 California Avenue was presented to the Council. There was no motion to approve the CRV Recycling Buy-Back Center at the October 19th Council meeting, Associate Planner Charles Pooler made no additional comment regarding this resolution.

City Administrator Steve Matarazzo mentioned that the owner of the property expressed that he would have liked a continuation to have the potential tenant present pictures of his other facilities.

Vice Mayor Carbone added that she was able to take a look at the recycling facility behind Whole Foods that is also managed by the applicant. The operation is very small with only three containers on-site and is similar to the recycling operation behind Costco, and not comparable to the proposal in Sand City.

Motion to approve the City **Resolution** denying a Conditional Use Permit for a CRV Recycling Buy-Back Center at 1795 California Avenue was made by Council Member Carbone seconded by Council Member Kruper. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- B. City Engineer Richard Simonitch reported that Cal-Am is taking turbidity readings of the treatment plant's RO meters to ensure that they are working properly. There has been approximately 60 acre feet of water produced since the plant began acceptance testing. Cal-am has assumed operations of the plant and everything is looking good.

The Storm Water Management Group's (SWMG) annual report is available to view on-line. The SWMG has entered into a joint regional hydro-mod group that permits modifications to a project allowing storm water run-off to be managed so that the immediate water ways are not polluted. Design criteria is being developed within the regional group, even though each region has different soil and slope characteristics. This group would also consist of Santa Cruz County, San Bernardino County and San Luis Obispo. The City of Sand City would have its own design criteria developed under one main design consultant. Staff should have a presentation to the Council by the end of the year so that the City is aware of what it will be facing, and what criteria will need to be enforced upon developers to better manage storm water run-off.

Mr. Simonitch also reported that the just approved coastal development permit for the Tioga Avenue improvements need to be submitted to Caltrans for their review and encroachment permit approval.

Mayor Pendergrass reminded the Council and Staff that the American Water CEO from New Jersey will be here next Tuesday to tour the desalination plant.

City Administrator Steve Matarazzo reported that the City received a false reading from the auditors regarding missing a possible deadline to encumber some housing set-aside funds in the Redevelopment Agency housing set-aside account. The City is building up those funds that will need to be "encumbered" so the City can invest in housing projects. This would be similar to the Design Center, where funds were granted to have some affordable housing units available.

AGENDA ITEM 10, NEW BUSINESS

- A. City Administrator Steve Matarazzo presented a City Resolution finding that there is no longer a water supply shortage in Sand City. Several weeks ago, Cal-Am took over the operation of the Sand City Desalination Plant, and has formally accepted it by signed certificate. Mr. Simonitch was commended on a job well done regarding the air entrainment problem providing a solution that saved the City a significant amount of money. Cal-Am is now solely responsible for the operation of the plant for the next 30 years. The City is now entitled to 206 acre feet of water given our entitlement via MPWMD Ordinance 132. In 1998, the City adopted an ordinance due to a water shortage limiting City acceptance of development applications. Staff recommends the approval of the attached resolution finding that there is no longer a water supply shortage, so that development applications can now be accepted.

One cautionary note is that the water situation along the Peninsula has not yet been solved. The latest news and current events are that Cal-Am has applied for a water moratorium in the area, with some exceptions. The State Water Resources Control Board was in support to exempt Sand City from the moratorium. However, the CPUC will have a final decision on who gets exempted from any moratorium. The City Attorney and Mr. Matarazzo will meet and request from the CPUC that Sand City not be included in the water moratorium.

Mayor Pendergrass added that he is in support of requesting Sand City's exemption. The water being produced is not Carmel River water.

7:44 P.M. Floor Opened for Public Comment.

Property Owner David Wilson asked the Council how he would proceed to obtain water from the City.

Mayor Pendergrass answered that Mr. Wilson would pay a connection fee to the Monterey Peninsula Water Management District for the amount of water per acre foot that he is requesting. He would also need to file a development application with Sand City.

Mr. Wilson added that the Council and Staff have done a great job in acquiring water for Sand City.

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

Council Member Kruper asked what the application permit fees will be.

City Administrator Steve Matarazzo commented that the planning fees are nominal and have not changed for 15 years.

Motion to approve the City **Resolution** finding there is no longer a water supply shortage in Sand City was made by Council Member Hubler, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler Kruper, Pendergrass. NOES; None. ABSENT: None. ABSTAIN: None. Motion Carried.

B. Mayor Pendergrass commented on the California Public Utility Commission's Proposed Decision (PD), and Alternate Proposed Decision (APD) regarding the Regional Water Project (RWP). Mayor Pendergrass and the City Administrator have attended several meetings with the Marina Coast Water District, Cal-Am, and the Monterey County Water Resources Agency. On Thursday, the agencies will discuss how they will react to the administrative law judges' decision and the alternate proposed decision of Commissioner Bohn.

City Administrator Steve Matarazzo added that page 77 and the pages following have the best chart regarding comparison between the two decisions. Both decisions cap project costs. The administrative law judge provides the Peninsula Cities with a municipal advisory vote with arbitration powers. Commissioner Bohn's decision also has a municipal advisor with voting power, but allows no power for arbitration. However, any cost overruns of significance can go to the CPUC for consideration. Even though Cal-Am does not have a stand on this, they will probably support Commissioner Bohn's decision. The City of Monterey commissioned a study of its own to see what arbitration powers might do to bond financing. The conclusion of the study was that it would significantly jeopardize bond financing of the project. The City of Monterey should decide on which direction they will choose at their Council meeting tonight.

There was further discussion of the cost to rate payers and who decides the cost of the water.

- C. City Administrator Steve Matarazzo presented the City Resolution approving a Service Agreement with SLV Music Management for the 2011 West End Celebration. Mr. Vagnini's contract remains unchanged from last year, and it states that he will provide the music venue for Friday and Saturday. The contract does not include Sunday, since this year's performance by Los Lobos was to benefit Guitars not Guns. He will continue to look for a pro-bono music band to perform on Sunday. If Mr. Vagnini can find a band for Sunday, and should this additional day incur an added cost, then a resolution will come before the Council for their consideration.

Motion to approve the City **Resolution** approving a Service Agreement with SLV Music Management for the 2011 West End Celebration is made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None.

- D. There was Council consensus to cancel the City Council Meetings scheduled for December 21, 2010 and January 4, 2011 to minimize conflicts with the holidays.
- E. There were no Council RSVP's for upcoming events.

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 16, 2010 at 7:00 p.m. There was unanimous consensus of the City Council to adjourn the meeting at 8:04 p.m.



Connie Horca, Deputy City Clerk