

# MINUTES

## JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

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Regular Meeting – November 16, 2010  
7:00 P.M.  
CITY COUNCIL CHAMBERS

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Mayor Pendergrass opened the meeting at 7:01 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

There was Council consensus to pull Agenda Item 7B. The applicant has withdrawn the application for a site plan and use permit for a live-work project at 425 Orange Avenue.

7:03 P.M. Floor Opened for Public Comment.

There was no comment from the Public.

7:03 P.M. Floor Closed to Public Comment.

Mayor Pendergrass wished Sand City resident Margie Anderson, who was part of the audience, a very "Happy Birthday".

### 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 #328/CDP 88-01, Granite Rock (construction), 1755 Del Monte Blvd
  - (2) CUP #478, Signature Nails & Skin (sales/service), 824 Playa Avenue
- B. There was no discussion of the Sand City Council Meeting Minutes November 2, 2010.
- C. There was no discussion of the Public Works Monthly Report, October, 2010.
- D. There was no discussion of the Police Department Monthly Report, October, 2010.
- E. There was no discussion of the City/Redevelopment Agency Treasury Report, September 30, 2010.
- F. There was no discussion of the City Resolution authorizing a rate increase of 4.38% consistent with the Franchise Agreement for Waste Management effective January 1, 2011.
- G. There was no discussion of the Joint Powers Financing Authority Resolution Confirming its Officers.
- H. There was no discussion of the City Resolution authorizing renewal of an agreement for Police Backup Services between the City of Seaside and the City of Sand City.
- I. There was no discussion of the City donation/contribution to Meals on Wheels of the Monterey Peninsula for \$250.
- J. There was no discussion of the City/Redevelopment Agency Financial Report, September 2010.

Motion to approve the Consent Calendar items was made by Council Member Kruper, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSTAIN: None. ABSENT: None. Motion Carried.

## **AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR**

There were no items pulled.

## **AGENDA ITEM 7, PUBLIC HEARINGS**

- A. Associate Planner Charles Pooler presented an application submitted by Chipotle Mexican Grill for a site plan permit to construct a 450 square foot outdoor patio along the westerly side of the existing commercial property at 2140 California Avenue. There will be no changes to the buildings exterior architectural design, building footprint or the parking lot layout. The outdoor patio will be placed within the existing drive-thru aisle. The curbs and the concrete pavement of the drive-thru will remain unchanged. This would allow for the reinstating of the drive-thru for any future use. The back of the building will have a 4-foot pedestrian path extending from the new patio parking area defined by a 6-inch high block wall of decorative crushed rock. The patio area will lie alongside the original design of the pedestrian walkway between the small pads with no traffic impact. The site has adequate water credits and is sufficient to accommodate the proposed use. Staff recommends the approval of the site plan permit.

7:08 P.M. Floor Opened for Public Comment.

Chipotle Architect Harlan Faust commented that an outdoor patio, (aka: Al Fresco Dining) is a trademark for Chipolte and would be a great asset for the building. Most of the development would be the construction of the patio area with no major exterior modifications to the buildings infrastructure. There will be major modifications to the interior of the building to convert it to restaurant standards.

Mr. Faust also addressed the Council's concerns regarding adequate exterior lighting, replacing the shroud on the buildings exterior, and the pad limit of the alcohol license.

Property Owner Gene Lavarini requested formal acknowledgement that the drive-thru can go back in at a future time.

7:14 P.M. Floor Closed to Public Comment.

Associate Planner Charles Pooler addressed Mr. Lavarini's concern of the drive thru by suggesting the amendment to condition B3 of the use permit. The amended language would read: "...shall not impede future reinstatement of the drive-thru lane back to its original condition and use upon removal of said modification."

Motion to approve the City **Resolution** approving Site Plan Permit 10-01 for constructing a patio on an existing commercial property at 2140 California Avenue in the Edgewater Shopping Center as amended was made by Council Member Hubler, seconded by Council Member Carbone. AYES: Council Member Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- B. The application was withdrawn by the applicant to approve site plan and conditional use permits for remodeling an existing warehouse at 425 Orange Avenue into four live-work studios was pulled from the agenda.

## AGENDA ITEM 8, OLD BUSINESS

City Engineer Richard Simonitch reported that he gave a tour with the Mayor and City Administrator of the desalination plant to American Water's CEO and Cal-am representatives last week. He attended formal training on low impact development standards that the City will need to develop within the next six months. The group discussed the hydro-modification guidelines and amendments to the City municipal code regarding subdivision design, zoning, and grading regulations. Once developed, the City codes will need to be amended to bring them into compliance with general storm water discharge permitting as it relates to Sand City's low impact standards. A majority of the work will involve standard details for curb and gutter, cross sections, parking and permeable pavement design. The City's Year 4 annual storm water report has been submitted to the State Water Resources Control Board. Another storm water meeting will be held tomorrow to go over the upcoming permit requirements for Year 5.

Council Member Blackwelder inquired if new construction will require all water to be contained on-site.

Mr. Simonitch commented that Best Management Practices have not changed from what contractors are currently practicing. The City needs to be diligent to ensure that contractors have their National Pollutant Discharge Elimination System (NPDES) Permits and all necessary paperwork submitted; otherwise the City may be responsible for the contractor's lack of compliance.

There was discussion whether Sand City's geology is suitable for the construction of permeable pavement. Sand City's Municipal Code needs to contain updated guideline requirements for contractors involved in new development projects as it pertains to low impact development standards.

City Administrator Steve Matarazzo reported that he attended a meeting of the Monterey Peninsula Water Management District with the City Attorney. The District has resurrected the 95-10 Regional Water Project. It is difficult to determine what the intent of the project is, although it seems it would provide a small growth factor following that the regional project obtains approval. The District would like to construct a 2,000-6,000 acre desalination plant that would provide new water for use to everyone on the Peninsula. Mr. Dillworth addressed this issue at last night's District meeting. Staff explained Sand City's objection; that the brackish water aquifer cannot support the 6,000 afy 95-10 Project without adverse impacts upon the City's desalination plant's production. The District is also researching locations north and south of Sand City for a new desalination facility that would not impact the City's water rights.

Mayor Pendergrass commented that it would be cost prohibitive to try to construct a local desalination plant in addition to a regional water project. The District is considering the old pump station along Del Monte Avenue near the Naval Post Graduate School, as a possible location. Staff did an excellent job presenting Sand City's position. The Water Board is proposing a special election to be held in June 2011 for the seat currently held by Alvin Edwards. Mr. Edwards will be retiring in December 2010, and the seat will remain

vacant until filled.

City Attorney Jim Heisinger reported on the meeting with CPUC Commissioner Bohn's assistant regarding the "Sand City Rate Case". Staff explained Sand City's position. One of which was the pleadings regarding the moratorium, and that Sand City residents will be paying the same rate as everyone else. Commissioner Bohn, who plans to retire by the end of the year, is trying to finalize three cases; one of which is the Cal-Am rate case where Cal-Am is trying to recoup their lease payments on the City desalination plant. The second is the regional plant itself, and the third is Cal-Am's application to the CPUC to impose a moratorium on new and expanded use hook-ups. It is unlikely that Cal-Am's rate case involving the Sand City desalination plant will be finalized by the end of the year; but Commissioner Bohn may have substantial influence on the case whether he is there or not. The Regional Water Plant case is of priority, and the CPUC case has one more meeting this year.

Council Member Todd Kruper inquired about the trailer and truck ordinance.

Chief Michael Klein commented that many of the trucks parked in Sand City do not exceed the 72 hour rule, and are therefore uncitable. These vehicles are used during the daytime, and are only parked during the evening.

The City Attorney added that this is a difficult issue that has been previously discussed at the Staff level. The parking issue involves significant policy changes that the Council will need to decide upon. It may require amending ordinances that may inevitably affect some businesses within the City.

#### **AGENDA ITEM 9, NEW BUSINESS**

- A. There were no RSVP's from the City Council.

#### **AGENDA ITEM 10, CLOSED SESSION**

The City Attorney deemed that there was no need for Closed Session.

#### **AGENDA ITEM 11, ADJOURNMENT**

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Kruper to the next regularly scheduled Council meeting on December 7, 2010 at 7:00 p.m. There was unanimous consensus of the City Council to adjourn the meeting at 7:55 p.m.

  
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Connie Horca, Deputy City Clerk