

# MINUTES

## JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

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Regular Meeting – January 20, 2009  
CITY COUNCIL CHAMBERS  
7:00 P.M.

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Mayor Pendergrass opened the meeting at 7:01 p.m.

Invocation was led by Reverend Robert Hellam

Police Chief Klein led the Pledge of Allegiance

Present: Council Member Blackwelder  
Council Member Carbone  
Council Member Hubler  
Council Member Kruper  
Mayor Pendergrass

Staff: Steve Matarazzo, City Administrator  
Jim Heisinger, City Attorney  
Richard Simonitch, City Engineer  
Michael Klein, Police Chief  
Charles Pooler, Associate Planner  
Connie Horca, Deputy City Clerk

### AGENDA ITEM 4, COMMUNICATIONS

Anyone wishing to address the City Council on Consent Calendar item(s) or matters not listed on the agenda may do so during Oral Communications. Matters not appearing on the City Councils agenda will not receive action at this meeting, but may be referred to staff or set for a future City Council meeting. Presentations will be limited to three minutes or as otherwise established by the City Council. The public may comment on any other item, which is on the agenda when that matter is considered by the City Council during the meeting, and prior to action on that item by the City Council.

The City Council Chambers podium is equipped with a portable microphone for anyone unable to come to the podium. If you need assistance, please advise the City Clerk as to which item you would like to comment on and the microphone will be brought to you.

- A. Written communications distributed to the Council was a request by the Sierra Club regarding agenda item 9A, and Exhibit B of the Monterey Bay Shores Resort EIR addendum.

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

There was no comment from the Public

7:05 p.m. Floor Closed to Public Comment

Mayor Pendergrass commented that the Council will be reviewing the City's budget, and the mid-year budget review at a future Council meeting due to the recent announcement that Circuit City will be closing. Costco has expressed expansion plans for the future, and the City has taken measures to safeguard against future impacts.

## **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 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 permit conditions. There was no discussion of the following Conditional Use Permits.
- (1) CUP #110, Standard Transmission Service (Auto Body), 531 Shasta Avenue
  - (2) CUP #179, Roy Hubbard (2<sup>nd</sup> Floor Residential), 542 Ortiz Avenue
  - (3) CUP #191, Lifeline Food Company (Food Processing), 426 Orange Avenue
  - (4) CUP #238, Just Andy Auto Repair (Auto Repair), 465-A Olympia Avenue
  - (5) CUP #344, Thomas Felix (Woodwork Shop), 672-A Dias Avenue
  - (6) CUP #375, J&D Auto (Auto Repair), 1695 Contra Costa
  - (7) CUP #401, Kyle Racing Engines (Motorcycle Engine Assembly), 801-B California Avenue
  - (8) CDP#01-01, Monterey Mattress Company (Mattress Manufacture/ Showroom), 1805 Contra Costa
- B. There was no discussion of the December 16, 2008 Sand City Council Meeting Minutes.
- C. There was no discussion of the Public Works Department Report, December 2008.
- D. There was no discussion of the Police Department Monthly Report, December 2008.
- E. There was no discussion of the Police Department Annual Report for 2008.
- F. There was no discussion of the City/Redevelopment Agency Financial

Report for November, 2008.

- G. There was no discussion of the City **Resolution** approving a 90-Day Time Extension for CUP #432 for Advanced Towing Authorizing continued storage of automobiles as an interim use within an existing building at 841 Fir Avenue.
- H. There was no discussion of the City **Resolution** approving a 90-Day Time Extension for CUP #434 for Gordon Rudy Authorizing continued storage and operation of a Truck Rental Business as an interim use at the former Waste Management Transfer Facility at 840 Tioga Avenue.
- I. There was no discussion of the City **Resolution** Approving a 90-Day Time Extension for CUP #450 for Glass Mosaic Tile and Marble as a continuing interim use within an existing building at 1855-B East Avenue.
- J. There was no discussion of the City **Resolution** Approving a 90-Day Time Extension for CUP #455 for Glass Mosaic Tile & Marble as a continuing interim use within an existing building at 840 Fir Avenue.
- K. There was no discussion of the City **Resolution** Making Reappointments to the Design Review Committee, (Briant & Saroyan).
- L. There was no discussion of the Fort Ord Reuse Authority (FORA) Monthly Report, December 2008.
- M. There was no discussion of the City Contributions/Donations to the Seaside Pony Baseball/Softball League for \$500 and to the Monterey County Film Commission for \$2,000.

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

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

There were no items pulled.

#### **AGENDA ITEM 7, PRESENTATIONS**

- A. Mayor David Pendergrass presented a "Key to the City" plaque and a resolution of appreciation to former Council Member Morris for his 18 years of service to the City of Sand City. The Mayor commented that it was a pleasure to serve with Mr. Morris and wished him much success in his future endeavors.

Council Member Morris thanked the Council and City Staff. Mr. Morris mentioned that it has been an honor to serve on the City Council and he remains positive that great things are planned for the future of Sand City.

- B. The Staff of the Transportation Agency of Monterey County (TAMC) presented the latest information regarding the Monterey Branch Line Mass Transit Project, in preparation for the Transportation Agency Board selection of a locally preferred alternative at the April 2009 TAMC Board Meeting.

Executive Director Debbie Hale reported that the Monterey Branch Line extension has been an on-going project for many years. The benefits of the project would include an alternative to driving, and support local and inter-regional travel that would lessen the congestion of commuter traffic on Highway 1. The project would involve the selection of a locally preferred alternative of either, providing a Light Rail Service or Bus Rapid Transit (BRT). The estimated completion date of the project is 2014/15, which would involve Federal, State, and Local government funding in addition to regional impact fees.

Associate Transportation Planner Kirsten Hoschouer presented the TAMC alternatives to the Monterey Branch Line. These options would include either a Bus Rapid Transit or a Light Rail system. The Bus Rapid Transit, from Monterey to Marina (Option 1) would have an estimated capital cost of 162 million dollars; from Monterey to Castroville (Option 2) has an estimated incremental cost of 33 million dollars. The Light Rail System, from Monterey to North Marina (Option 1), would have an estimated cost of 168 million; and from Monterey to Castroville (Option 2) incremental cost approximately 43 million. Both of these options would have a connecting bus to Salinas. Ms. Hoschouer reported that one benefit of the Bus Rapid Transit would be a one seat ride from Monterey to Salinas without having to transfer; with the potential of service from San Francisco to Monterey in the near future. The estimated ridership in 2014 would increase to approximately 3,500 people on weekdays. In conclusion, Ms. Hoschouer presented the timeline for the Monterey Branch Line project through its completion.

Mayor Pendergrass commented on the primary concern of the length of time it would take for the bus or rail service to cross the rail road right-of-way located at the City's shopping centers. If the delay would take too long, there could possibly be a potential loss of shoppers resulting in lower City revenues.

Ms. Hoschouer added that these buses are not very long, and the time for them to cross would take no more than 20 seconds.

Council Member Kruper asked about the parking access, and whether Sand City's police officers would have to reinforce security at the parking area, and if the City will be held liable to provide this service.

Chief Klein stated that policing the right-of-way, including parking area, would be the City's responsibility.

Ms. Hoschouer extended an invitation to the City Council and Staff to view the Orange Line Bus Rapid Transit located in Southern California on January 29<sup>th</sup>, with the TAMC staff.

## **AGENDA ITEM 8, OLD BUSINESS**

***{Agency Members Blackwelder and Hubler stepped down from the dais due to a conflict of interest by residing within 500' of the subject property}***

- A. City Administrator Steve Matarazzo presented the Redevelopment Agency Resolution approving a Real Property Purchase Agreement and authorizing the Executive Director to complete escrow documentation and accept the Grant Deed for Property located at 525 Ortiz Avenue (Primary Address), aka Carroll Trust Property. Mr. Carroll accepted the offer of 1.3 million for the property acquisition. This was a fair amount considering the present market value of property, and its strategic location within the West End district. The property will not close until an official document is signed by the Monterey County Health Department stating that the property has an environmental clearance regarding any hazardous materials.

There was no further discussion by the City Council.

Motion to approve the Redevelopment Agency **Resolution** approving a Real Property Purchase Agreement and authorizing the Executive Director to complete escrow documentation and accept the Grant Deed for Property located at 525 Ortiz Avenue (Primary Address), aka Carroll Trust Property was made by Agency Board Members Carbone, seconded by Agency Board Member Kruper. AYES: Agency Board Members Carbone, Pendergrass, Kruper. NOES: None. ABSENT: None. ABSTAIN: Agency Members Blackwelder, Hubler. Motion Carried.

***{Council Members Blackwelder and Hubler returned to the dais}***

- B. City Engineer Richard Simonith reported that activity with the desalination plant is progressing well. The pumps and electrical equipment are presently being installed. The building itself is estimated to be completed in the next 2-3 weeks. The computer systems are scheduled to be installed within the next week. Mr. Simonith has an upcoming meeting with Cal-Am to discuss the start-up operations and procedures manual of the desalination plant. If all goes according to the projected timeline for the project, public water distribution should be ready some time in May 2009.

In February, P.G.& E. will be relocating the poles within Sand City at their expense. Once the poles have been moved, the City can advertise for bids for the project.

The Council discussed the timeliness of advising the public when the water will be available. Mr. Matarazzo commented that no public announcement should be made until the State Department of Public Health has issued a formal statement that Sand City is ready to distribute the water.

Mr. Matarazzo added that Sand City fortunately does not appear on the list that would impact receiving grant funds to complete the project. Also, Costco has been in contact with City staff regarding the location of a gas station site. Due to the announcement of Circuit City's closure, staff has been in contact with DBO Development for potential tenants to fill the available space.

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

- A. City Administrator Steve Matarazzo presented the consideration of a City **Resolution** concerning an addendum to the Final Environmental Impact Report (EIR) (State Clearinghouse Number 97091005) for the Monterey Bay Shores Eco-Resort Project. In 1998 the City Council approved a 495 unit development known as the Monterey Bay Shores Project. The City's approval was appealed to the California Coastal Commission on December 14, 2000. As a result of the appeal, the California Coastal Commission denied the coastal development permit, declaring the Monterey Bay Shores site to be "environmentally sensitive habitat area" (ESCHA). The developer filed suit against the Coastal Commission; and as a result, the Coastal Commission vacated its denial of the permit and agreed with the developer that it would review the project modified from the initial 495 unit project as approved by the City in 1998. The revised project is known as the Monterey Bay Ecoresort, which consists of a 161 room hotel, 88 visitor serving units, and 92 residential condominiums, resulting in a total of 341 units. The developer has modified the original project to lessen all impacts and still has a certified environmental impact report that is applicable. Since 1998, the project has changed and an EIR addendum has been prepared by the environmental consulting firm that authored the first report. The addendum has been distributed to the Council for their review. If the Coastal Commission approves the plans via a coastal development permit, the Coastal Commission will want to know that the City Council is in concurrence with the proposed design and composition of the resort project. Mr. Matarazzo itemized the revisions to the subject EIR addendum as outlined in Exhibit B (Errata sheet) of the draft resolution. Staff recommends the approval of the attached resolution.

Motion to approve the City **Resolution** concerning an addendum to the Final Environmental Impact Report (State Clearinghouse Number 97091005) for the Monterey Bay Shores Eco-Resort Project was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- B. The Deputy City Clerk brought to the Council's attention the upcoming events and meetings.

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

8: 10 p.m.

- A. Agency Board to adjourn to Closed Session to confer with Legal Counsel:

1) Regarding existing litigation in accordance with Section 54956.9 of the Ralph M. Brown Act, The Center for Biological Diversity v. Dirk Kempthorne.et.al

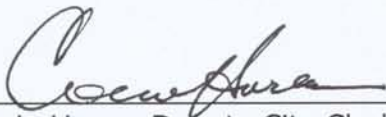
8:29 p.m.

A. Agency Board readjoined 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.

Further direction was given to legal counsel.

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

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Hubler to the next regularly scheduled Council meeting on February 3, 2009 at 7:00 p.m. There was unanimous consensus of the Council to adjourn at 8:30 p.m.



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Connie Horca, Deputy City Clerk