

# MINUTES

## JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

---

Regular Meeting -March 3, 2009

7:00 P.M.

CITY COUNCIL CHAMBERS

---

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

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 {arrived at 7:06 p.m.}  
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

Members of the public may address the City Council on matters not appearing on the City Council agenda at this time for up to three minutes. In order that the City Clerk may later identify the speaker in the minutes of the meeting, it is helpful if the speaker states their name. Public comments regarding items on the scheduled agenda will be heard at the time the item is being considered 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

There were no written communications distributed to the Council.

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

- B. Anna Vargas from the Los Angeles Regional Census Center in partnership with Monterey and San Benito Counties requested that the City Council approve Sand City's participation in the 2010 census. The U.S. Constitution requires a survey be conducted every ten years. The census affects political representation, and determines the distribution of \$300 billion annually of government funding for critical community service and thousands of jobs

across the Country. Elected leaders are encouraged to participate, ensuring that the City will receive their fair share of government funding, census jobs and Congressional seats. Ms. Vargas requested that the Mayor issue a proclamation for the endorsement of the 2010 Census.

There was Council consensus to participate in the 2010 Census. Mayor Pendergrass appointed Associate Planner Charles Pooler as the point of contact for Sand City, and to prepare a proclamation in support of the 2010 Census.

7:05 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. There was no discussion of the Fort Ord Reuse Authority (FORA) Board Meeting, February 2009.
- B. There was no discussion of the denial of a Claim by Zarmi Felizardo filed 02/12/09, for \$77,525.26.
- C. There was no discussion of the City **Resolution** appointing Todd Kruper to the Sand City Arts Committee.
- D. There was no discussion of the 2009 League of California Cities Official Ballot Executive Committee Elections.
- E. There was no discussion of the receipt of the Informational Report: California Spending by the Numbers.
- F. There was no discussion of the approval of a donation/contribution to Paradox Sports for \$250.

Motion to approve consent calendar items 5A-B, and 5D-F 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.

***{Council Member Kruper stepped down from the dais due to a conflict with Agenda Item 5C}***

Motion to approve consent calendar item 5C was made by Council Member Hubler seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Member Kruper. Motion Carried.

***{Council Member Kruper returned to the dais}***



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

There were no items pulled from consent.

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

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

- A. Associate Planner Charles Pooler reported on the application for a Conditional Use Permit to allow Bethel Construction Company to operate at 701 Redwood Avenue. The proposed use for the site would be for an office and storage. Manufacturing will not take place at this location. Two employees will be at this site while the remainder of the employees will be at contract job sites. Off-street parking for the subject building is on the adjacent parcel, which is under the same ownership as the building. Staff recommends that ten parking spaces be required. The applicant states that there will be no deliveries or shipments, however staff does anticipate supply and equipment loading of the company trucks, and on-site parking is adequate to accommodate this activity. Staff is concerned that the fenced parking area will be used as outside storage instead of parking; therefore it is recommended that the permit prohibit storage within the fenced area. Staff also recommends that the property owner merge lots to ensure that future parking on all mutually owned property is properly regulated. The property owner has expressed to staff a preference to proceed with the merger, but to create 2 lots instead of 1. Staff recommends approval of the attached conditional use permit.

7:12 p.m. Floor opened for Public Comment.

Mr. Balboa asked Mr. Pooler if he may parallel park 2 vehicles in between the doors so the cars will be parked off the street.

Mr. Pooler replied that this is not something he would suggest, but it would be up to the Council's discretion.

Property owner Mr. Balboa addressed the Council, stating that in his original use permit the two parking spaces were actually undesignated spaces, and that the approach from Holly was included in the original permit. Mr. Balesteri does not need that much parking and the parcel merger would divide the property into two where the fence would separate the two businesses.

Council member Kruper expressed his concerns regarding the size of the vehicles, and how they will enter and exit the City. A former business located at this site had very large four ton vehicles that would intrude into the pedestrian area, making it difficult for the public to cross the streets.

Mr. Balesteri answered that his company vehicles consist of three dump trucks and one regular size pickup. The vehicles will primarily be on job sites leaving Sand City in the morning, and not returning until the job is completed. One of



these vehicles are stored off-site and the remainder will not be visible to the public.

Associate Planner Pooler supported the property owner's request that the parcel be divided into two lots, and to amend a portion of condition #19 of the permit to address that issue.

7:20 p.m. Floor closed to Public Comment

Motion to approve Conditional Use Permit 493 allowing Bethel Construction Company to operate at 701 Redwood Avenue, as amended, was made by Council Member Carbone, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Member Hubler.

*{Council Member Hubler returned to the dais}*

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

Mayor Pendergrass commented that he took a CDM guided tour of the desalination plant last week, and was impressed with how it has turned out.

- A. City Engineer Richard Simonitch reported that the desalination plant is nearing completion. Most of the activity involves the coordination of the computer systems to operate in conjunction with the beach wells. The contractors have communicated that it may take another three to four weeks before testing on the wells can begin; and some time by the end of March, they expect to commence the testing of the components within the desalination plant.

Staff is projecting to open the bids for the beach coastal access located at Vista Del Mar and Bay Avenues by early April.

Sand City has been in contact with PG&E regarding the relocation of the poles at Elder Avenue in Sand City. The company is moving out of the Bay Area to Monterey. Staff would like to move forward with the project, but PG&E has not given a specific date when they will be moving the poles.

The City's well contractor, Mr. Feeney feels that a fourth well can be used and installed with a conventional drilling method for an estimated cost of \$60,000. The desalination plant can presently operate without another well even though Cal-Am would like to see another well. Staff believes that another well is not immediately needed. On-going discussions of when and if a fourth well will happen is still uncertain.

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

- A. Chief of Police Michael Klein presented the consideration of a Memorandum of Agreement regarding Next Generation Radio System Joint Governance and Financing. The Federal Communications Commission (FCC) has issued a "narrowbanding" mandate to improve radio communications capabilities within



and between jurisdictions. Fred Cohn is the lead representative working in collaboration with the other cities on this project. The new system will provide necessary interoperability and capacity to meet daily and emergency event needs of regional public safety and local government users.

City Administrator Steve Matarazzo added that the City Managers group would like to include more clauses in the agreement, with the possibility of exploring grant funding to finance a portion of this project from the Federal Stimulus Package. Sand City's annual prorated share of the cost is estimated at \$8,741.11. This annual share of the debt is based on a 15 year term. Funds to support this work will be incorporated into the appropriate operating budget in future years.

Staff recommends a formal adoption of this agreement at a future date.

The Council was in consensus to continue discussion of the memorandum of agreement regarding the Next Generation Radio System Joint Governance and Financing. The Council consensus was to support the pending request.

- B. The Deputy City Clerk brought to the Council's attention the upcoming meeting and events. RSVP's were made for the March 21, Monterey Peninsula Chamber of Commerce Annual Dinner. The Council was also in consensus to hold the Annual Sand City Barbeque on Saturday, May 30, 2009 from 12:00 – 2:00 p.m.

#### **AGEND ITEM 10, CLOSED SESSION**

7:56 P.M.

- A. The City/Agency Board to adjourn to Closed Session to confer with Legal Counsel regarding existing litigation in accordance with Section 54956.9 (a) of the Ralph M. Brown Act, The Center for Biological Diversity v. Dirk Kempthorne.et.al

7:59 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

Oral report was given by City Administrator. No action was taken.

#### **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 March 17, 2009 at 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:01 p.m.



Connie Horca, Deputy City Clerk