

**MINUTES**  
**JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY**

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Regular Meeting – March 17, 2009  
7:00 P.M.  
City Council Chambers

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Mayor Pendergrass opened the meeting at 7:00 p.m., and wished everyone a "Happy Saint Patrick's Day".

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  
Jim Heisinger, City Attorney  
Richard Simonitch, City Engineer  
Michael Klein, Police Chief  
Linda Scholink, City Clerk

**AGENDA ITEM 4, COMMUNICATIONS**

- A. There were no written communications distributed tonight.
- B. Oral

7:01 P.M. Floor opened for public comment

**Jim Tunney, Trustee for Monterey Peninsula College:** reported to the City Council that there has been a change in the trustee elections due to re-districting, and Sand City has become part of area one, which includes most of the City of Seaside. Mr. Tunney wanted to alert the Council that they are looking for a trustee that has a strong interest in education.

7:05 P.M. Floor closed to public comment

**AGENDA ITEM 5, CONSENT CALENDAR**

- 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 on the following conditional use permits and coastal development permits.

- (1) CUP #389, Loren Speck/Loren Speck Framing & Gilding Studio (Framing), 591 Ortiz Avenue
  - (2) CUP #410, Sand City Public Works (mobile office trailer), Sylvan Park
  - (3) CUP #483, Colton Heating (Contractor), 431 Ortiz Avenue
  - (4) CDP #08-04, James Rigg (Guitar Manufacturer), 1 John Street, Unit A
- B. There was no discussion of the February 17, 2009 Sand City Council Meeting Minutes.
- C. There was no discussion of the Police Department Report, February 2009.
- D. There was no discussion of the Public Works Monthly Activity Report, February 2009.
- E. 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.
- F. There was no discussion of the City **RESOLUTION** declaring the week of March 16<sup>th</sup> as "Fix a Leak Week" to raise public awareness in checking household plumbing for leaks that waste water resources.
- G. There was no discussion of the City **RESOLUTION** honoring Sue McCloud, City of Carmel as the Monterey Peninsula Chamber 2008 Ruth Vreeland Memorial Public Official of the Year Award Recipient
- H. There was no discussion of the City **RESOLUTION** honoring David J. Benjamin, Monterey Peninsula Chamber of Commerce 2008 Citizen of the Year Award Recipient.
- I. There was no discussion of the City **RESOLUTION** honoring Charles T. Chrietzberg, Jr. Monterey Peninsula Chamber of Commerce 2008 Robert C. Littlefield Award Recipient
- J. There was no discussion of the City **RESOLUTION** honoring Cynthia Buhl, Monterey Peninsula Chamber of Commerce 2008 Volunteer of the Year Award Recipient.
- K. There was no discussion of the City **RESOLUTION** honoring United Way Monterey County, as the Monterey Peninsula Chamber of Commerce 2008 "Business of the Year" Award Recipient.
- L. There was no discussion on the City contribution of \$200.00 to the SPCA of Monterey County in honor and memory of Norm Foster, a Sand City painter and sculptor.

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

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

There were no items pulled from the consent calendar.

## **AGENDA ITEM 7, OLD BUSINESS**

- A. City Engineer Richard Simonitch updated the City Council on the desalination project, reporting that he attended another desalination meeting today with the Department of Public Health, (DPH) where he met with Jan Sweigert, (DPH), Gary Hoffman, (DPH), Chad Brown, (CDM), and Stephen Boden, (CDM). They spent about 3 hours together touring the facility and going down to Tioga and inspecting the beach wells. They are scheduled to begin testing on May 1<sup>st</sup>, and that could continue for 4-6 weeks. We are not allowed to use the water while it is being tested, and it will be running into the storm drain. It will be running into the 90 inch storm drain at the end of Bay Street. Overall it was a positive meeting.

Yesterday, the plant received full power from PG&E. Next week they will begin to run Cal-Am water to check for pressure, leaks, and testing the system operations for any problems. City staff needs to begin working on an official grand opening event.

The Mayor asked about street improvement progress. The City Engineer reported that PG&E has not made contact regarding moving the poles. Staff was asked to re-connect with the Harpers regarding the fence relocation/removal.

There was a lengthy discussion on the current regional water issues and how they affect the City, its property owners, and Ed Ghandour's project. There was clarification that the Water District Board did not deny Ed's project but they instead requested that he do a supplemental EIR. We have several property owners with water rights who are concerned with what those water rights actually entitle them to, and what control the Water District has regarding their water rights. Tomorrow, there is a Water Master Board meeting where they will be discussing Security National Guarantee matters, (Monterey Bay Shores Ecoresort), they will be considering action regarding the recent decision by the Monterey Peninsula Water Management District to deny California American Water's application to amend its water distribution system permit to serve the Monterey Bay Shores Ecoresort, based on the need to prepare a subsequent EIR on water supply issues. The Mayor, City Attorney and the City Administrator will be attending that meeting.

## **AGENDA ITEM 8, NEW BUSINESS**

- A. The City Engineer requested approval for authorization to bid the Bay Avenue/Vista Del Mar beach access improvements. These improvements are a required condition to the desalination coastal development permit approval issued by the Coastal Commission. In addition to the street work, lane striping and parallel parking the project also includes a new coastal observation platform, 2 stairway beach access locations, dune replanting, and

interpretive trail signage. The estimate for this work is \$182,534. Reimbursement from this project will be provided by the 2002 Resource Bond Act (Proposition 40) funds that have been temporarily suspended by the State. The tax exempt bond proceeds will be transferred over from the Redevelopment Agency to the City as outlined in the attached Redevelopment Agency Resolution. The City's coastal development permit requires that the beach access improvement project be installed concurrently with the desalination project.

Motion to approve the Redevelopment Agency **RESOLUTION** Authorizing Bids for the Bay Avenue/Vista Del Mar Coastal Access Improvement and Appropriating Necessary Funding for Construction was made by Agency Board Member Blackwelder, seconded by Agency Board Member Kruper. AYES: Agency Board Members Blackwelder, Carbone, Huber, Kruper and Pendergrass. NOES: None. ABSENT: None. ABSTAINED: None. Motion Carried.

- B. The City **RESOLUTION** Updating the Sand City Personnel Manual to incorporate changes and additions was continued to the next regularly scheduled Council meeting, due to additional policy review that was needed.
- C. The City Administrator reported to the City Council that the Dollar Tree Stores may have an interest in the site previously occupied by Circuit City. The regional commercial zoning district (C-4) was established within the City and its redevelopment project area at the time the Sand Dollar shopping center was conceived. The City needs to be cautious about the current economic downturn and what it can mean for the City economically. To date, only one bankruptcy affecting the centers has occurred (Circuit City). The financial crisis has also had implications regarding the operations of Wachovia Bank, which is now a part of Wells Fargo. This is why it is important at this time to review with the Council and the Redevelopment Agency whether the City has enough safeguards in place in terms of regulation to insure the objectives that were established when creating the C-4 zoning district are not jeopardized.

The City Administrator explained that additional regulations in the C-4 zoning may be possible when establishing replacement businesses within the Center.

The Mayor reiterated that the City needs a good high powered replacement for Circuit City; a business that has regional draw. The City Administrator advised the City Council that timing of this is critical. He suggested that the Council pass an Urgency Ordinance at the next Council meeting that would require all businesses in the C-4 District go before the City Council for discretionary while staff works on objective standards, guidelines, and findings to put in place for future use. The City Attorney advised the Council there are other cities that have very detailed guidelines, as the City of Carmel does. Sand City would not be as restrictive. He also said the main purpose of the urgency ordinance is to give staff time to produce the criteria for approval for changes in the shopping centers. Broad concepts would be in the urgency ordinance and the more detailed requirements that would tighten up the standards will be included in the C-4 zoning ordinance amendment that will be presented to the Council some time in the future. There was Council consensus to move forward with the Urgency Ordinance immediately to allow staff time to work on the long term goals for the C-4 zoning district.

- D. The City Clerk brought to the Council's attention the upcoming events and meetings, and requested responses for the Monterey Peninsula Chamber Of Commerce Annual Awards Dinner being held on March 21, 2009.

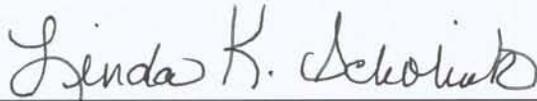
**AGENDA ITEM 9, CLOSED SESSION**

- A. 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
- 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

The City Attorney determined there was no need to have closed session.

**AGENDA ITEM 10, 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 April 7, 2009 at 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:21 p.m.



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Linda K. Scholink, City Clerk