

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting - April 7, 2009
7:00 P.M.
CITY COUNCIL CHAMBERS

Mayor Pendergrass opened the meeting at 7:03 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
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
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 communications distributed to the Council was a letter from Muriel Foster thanking the Mayor and the City of Sand City for the contribution made to the Monterey County SPCA on behalf of her late husband Norm Foster.

7:05 p.m. Floor opened for Public Comment

Michael Morris, a Sand City resident, and former Council member commented that he is opposed to the In-N-Out Burger Restaurant that is presently submitting plans to construct at a Tioga Avenue location. The restaurant would generate a lot of noise from boom boxes and radios, and also cause visual blight from Highway 1. The site is not appropriate for this type of establishment due to the traffic issues that it would generate, and much of Tioga Avenue has been zoned as a residential area. The City already has two

fast food hamburger restaurants, and it would seem unnecessary to approve another type of fast food establishment. Mr. Morris is requesting that the City carefully consider this application.

Don Orosco, developer, expressed the same concerns as Mr. Morris. From a non-judgmental perspective, Mr. Orosco added that this was not an ideal site for the restaurant. The traffic impact of the Fremont and 218 (Canyon Del Rey) exit would reroute the public to enter through Tioga Avenue. Mr. Orosco suggested that a traffic study be conducted.

7:15 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 March 3, 2009 Sand City Council Meeting Minutes.
- B. There was no discussion of the March 17, 2009 Sand City Council Meeting Minutes.
- C. There was no discussion of the Fort Ord Reuse Authority (FORA) Board Meeting, March 2009.
- D. There was no discussion of the City **Resolution** approving a 90-Day Time Extension of Conditional Use Permit 432 for Advanced Towing for continued storage of automobiles as an interim use within an existing building at 841 Fir Avenue.
- E. There was no discussion of the City **Resolution** approving a 90-Day Time Extension of Conditional Use Permit 434 for Gordon Rudy authorizing continued storage and operation of a Truck Rental Business as an interim use at 840 Tioga Avenue.
- F. There was no discussion of the City **Resolution** approving a 90-Day Time Extension of Conditional Use Permit 450 for Glass Mosaic Tile & Marble as a continuing interim use within an existing building at 1855-B East Avenue.
- G. There was no discussion of the City **Resolution** approving a 90-Day Time Extension of Conditional Use Permit 455 for Glass Mosaic Tile & Marble as a continuing interim use within an existing building at 840 Fir Avenue.
- H. There was no discussion of the acceptance of the California Home+Design Magazine article regarding the Monterey Bay Shores Eco-Resort development.
- I. There was no discussion of the approval of donations/contributions to the Monterey Bay Blues Festival for \$200, Seaside High School "Sober Grad Night" for \$200, American Diabetes Association for \$300, Tyler Tolles "Monterey Jazz Festival High School All Star Band" for \$700, Peninsula Girls Sports for \$500, and to Monterey High School "Sober Grad Night" for \$200.

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. ABSTAIN: None. ABSENT: None. Motion Carried.

Council member Kruper commented that he is privileged to be able to be a part of a Council that supports its residents through donations.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled.

AGENDA ITEM 7, PRESENTATION

A. David Martin, AIA presented two conceptual designs of a remodeled, and expanded City Hall, as commissioned. The 2005 conceptual floor plan was revisited, and a few possibilities of how to incorporate Staff's needs without purchasing additional land was researched. Mr. Martin distributed a questionnaire to City Staff to address the space requirements and future needs of each individual department. The results of this questionnaire are incorporated into the two conceptual designs for the newly remodeled City Hall. Both plans present a one story building, with additional parking across the street and near the park. The major difference between scheme IV and V is the location of the community room, which can be either located at the front or to the west of the existing building. The major feature of the community room is that it can serve as an artist gallery as well as a central location for major events. The floor plans include additional square footage for administrative offices as well as expansion of the police department facilities.

City Engineer Richard Simonitch added that the building can hold solar panels to make it a more green sustainable design.

There was a consensus of the City Council in favor of Scheme 5. Mayor Pendergrass added that an Ad Hoc Group of potential community room users should eventually review the conceptual plan to give their input to the architect regarding interior improvements.

AGENDA ITEM 8, OLD BUSINESS

A. Police Chief Michael Klein presented the consideration and approval of the Memorandum of Agreement regarding Next Generation Radio System Joint Governance and Financing (NGEN). At a previous Council meeting, this item was brought before the Council for consideration and recommended for further review. To date, Carmel Valley Fire and the Airport Police Department has opted out of the agreement. If the City of Carmel decides to not proceed at their Council meeting being held tonight, then the pro-rata shared cost would change for all the participating jurisdictions.

Vice Mayor Carbone asked if the NGEN group would need to make an amendment to the cost.

City Attorney Jim Heisinger commented that Sand City's share of the cost is indicated on pages 54 & 55. Grant funds would lessen the financial impacts to all participating user agencies. If Carmel Valley Fire opts out, their decision would increase the proportionate share of other participating agencies cost. The total projected cost for this project is \$12 million dollars. The actual cost could be affected by grant funds, and which agencies decide to enter into this agreement. The attached memorandum of agreement indicates that Sand City's pro rata share is approximated at \$7,800 dollars per year.

Motion to approve the Memorandum of Agreement regarding the Next Generation Radio System Joint Governance and Financing (NGEN) was made by Council member Carbone, seconded by Council member Blackwelder. AYES: Council members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None.

B. City Engineer Richard Simonitch reported on the progress of Sand City's desalination plant. Staff is still waiting to hear from P. G. & E. as to when power will be available at the facility so that well testing can commence. Additional equipment is expected to be delivered to the plant and all construction is estimated to be completed by May 1, 2009.

The City has received the Prop 1B grant funds from the State for infrastructure improvements. Staff is preparing to rehabilitate Holly Street and Redwood Avenue with bids for the project expected to go out in the next eight weeks. The date for the relocation of the two utility poles is still pending.

The Coastal Commission is requesting that Staff send them the art work for the interpretive signs for the Bay Street Coastal Access improvements. This request is being packaged and should be delivered within the week.

Mayor Pendergrass suggested that City Staff keep in constant communication with P.G. & E. to expedite the process of obtaining power to the desalination plant and the relocation of the utility poles as soon as possible.

AGENDA ITEM 9, NEW BUSINESS

A. City Administrator Steve Matarazzo presented the consideration of an urgency Ordinance establishing interim zoning regulations within the C-4 (Regional Commercial) and CZ/C-4 Coastal Zone Regional Zoning Districts. At the last Council meeting, Dollar Tree store expressed an interest in leasing the commercial retail space formally leased by Circuit City. Sand City's C-4 and CZ/C-4 Ordinance was specifically established to encourage a diversity of retail establishments, and a single price point retailer would counter the C4 regional market district. The Redevelopment Agency has invested heartily in the two shopping centers over the past several years. The attached urgency

ordinance proposes to prohibit retail uses further defined in the regulation such as; a) extreme value retail uses, b) odd-lot/close out retail uses, c) single-price retail uses, and d) price point retail. The ordinance requires a 4/5ths vote of the Council to become effective immediately, and will be effective for 45 days unless extended by the City Council at formal public hearing.

City Attorney Jim Heisinger commented on changes to page 82 to read as "Declaration" and Section 3, under "uses prohibited". If the Council decides to adopt the ordinance, a copy should be delivered to the owners of the Circuit City site and/ or the trustee of the bankruptcy.

Motion to approve the **Ordinance** establishing interim zoning regulations within the C-4 (Regional Commercial) and CZ/C-4 Coastal Zone Regional Zoning Districts as amended 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. City Administrator Steve Matarazzo reported that an amendment to the Cal-Am Lease Maintenance responsibilities related to the Sand City Water Facility may be considered for future Council action, or it may be handled by a "letter agreement".

City Attorney Jim Heisinger added that the City is responsible for the extraction wells. Three of the four wells are producing water better than anticipated; the fourth well contains too much salinity at this time. The desalination plant can operate on 3 wells, however the City will need to have a fourth well operable and installed per the lease agreement with Cal-Am.

There was no Council action necessary at this time, and this issue was tabled.

- C. City Administrator Steve Matarazzo presented the consideration of the City Resolution updating the Sand City Personnel Manual to incorporate changes and additions. The changes incorporated into the Personnel Manual include updates to Federal and State rules and regulations, and has been approved by the Budget and Personnel Committee at their last meeting. Most of these modifications clarify administrative procedures and updates to comply with the changes that have occurred throughout the years.

City Attorney Jim Heisinger added that there are no changes to Section 8, Arbitration, of the Personnel Manual.

Motion to approve the City **Resolution** updating the Sand City Personnel Manual to incorporate changes and additions was made by Council member Carbone, seconded by Council member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None

{Council Member Hubler stepped down from the dais due to a possible

conflict of interest by residing within 500' of the subject property}

- D. City Administrator Steve Matarazzo presented the consideration of an interim use of Redevelopment Agency owned property located at 525 Ortiz Avenue (formerly the Carroll property). The purchase and escrow for the Carroll Property was finalized on March 20, 2009. The Redevelopment Agency deemed that this was a wise purchase, and has researched several options for its proposed use. It was suggested that the property may be used as an RV storage lot, but after review of site plans, and use requirements such as surveillance cameras, it was not a feasible solution. The property is well surfaced to be used as a parking facility. It would need striping and the City would have the option of installing parking meters or a pay display parking device. The Arts Committee has expressed interest to use the building located within the property for the West End event. Staff has been approached with a possible tenant to lease the property, and Mr. Klaus Aber will present more information to the City Council, for a proposed use.

Mr. Klaus Aber with Mahoney and Associates reported that he was approached by a potential tenant who takes an eco-friendly approach to environmental issues. This tenant refurbishes shipping containers and RV's for residential re-use. The property would be used as a site for welding, and construction of these containers. The building on the property would be used to do some light design and manufacturing. The proposed use is incompatible with the City's future proposals for the area, but it is an opportunity to lease the property in the interim.

Mayor Pendergrass expressed his concern regarding the proposed tenant use. Parking meters would be an additional cost to the City as well as Staff time to monitor the meters. The Parking Committee may want to look into this issue and present a viable option. The property has income potential and the overall goal for the proposed use for this property is for parking.

Council Member Kruper commented that the general public will look for free parking, and since the location is a mixed use district, a resident parking policy and procedure would need to be researched as well.

There was Council consensus to reconsider this item at a future date, following more research into overall parking needs.

(Council Member Hubler returned to the dais}

- E. The Deputy City Clerk brought to the Council's attention the upcoming events and meetings. There were additional RSVP's to the Fort Ord State Park grand opening.

AGENDA ITEM 10, CLOSED SESSION

8:40 P.M.

- A. The City/Agency Board adjourned 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

8:56 P.M.

- B. The City/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

There was no action 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 April 21, 2009 at 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:58 p.m.



Connie Horca, Deputy City Clerk