

MINUTES FOR THE JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – January 15, 2008
CITY COUNCIL CHAMBERS
7:00 P.M.

Mayor Pendergrass opened the meeting at 7:03 p.m.
The Mayor said "Happy New Year" to everyone.

Invocation was led by Reverend Roy Pina

The Pledge of Allegiance was led by Police Chief Michael Klein

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

Absent: Council Member Morris- (excused)

Staff: Kelly Morgan, City Administrator
Jim Heisinger, City Attorney
Steve Matarazzo, Community Development Director
Richard Simonitch, City Engineer
Michael Klein, Police Chief
Linda Scholink, Director of Administrative Services

AGENDA ITEM 4, COMMUNICATIONS

- A. Written communications distributed to the Council were Item 5E, an updated Resolution honoring Todd Kruper; Item 5N, updated Resolution appointing members on the Art Committee; and Item 9B, updated Resolution approving a fee increase for Creegan & D'Angelo.

B. Oral

7:06 p.m. Floor Opened for Public Comment

There were no comments

7:06 Floor Closed for 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 on the following Use Permit's that are subject to annual review
- (1) CUP #110, Standard Transmission Service (Auto Body), 531 Shasta Avenue
 - (2) CUP #179, Roy Hubbard (2nd 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) CUP #443, DGAS (service commercial), 679-C Redwood Avenue
 - (9) CDP#001-01, Monterey Mattress Company (Mattress Manufacture/ Showroom), 1805 Contra Costa
- B. There was no discussion of the December 18, 2007 Sand City Council Meeting Minutes, (typo was noted)
- C. There was no discussion of Public Works Department Report, December 2007
- D. There was no discussion of City/Redevelopment Agency Financial Report for November, 2007
- E. Approval of City RESOLUTION Paying Tribute to Todd Kruper as a Champion of the Arts, (this item was pulled for discussion)
- F. There was no discussion of City RESOLUTION approving a 90-Day Time Extension for CUP #426 for Brad Harber Authorizing continued operation of a Concrete Business as an interim use within an existing storage yard at the end of Fir Avenue (APN 123-0035017)

- G. There was no discussion of 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 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 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 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 City RESOLUTION Approving a 90-Day Time Extension for CUP #464 Allowing storage of windows, doors and lumber for J.K. Scanlon Inc. as an interim use at 842 Fir Avenue
- L. There was no discussion of City RESOLUTION Making Reappointments to the Design Review Committee, (Davis, Kruper and Lindberg)
- M. There was no discussion of Storm Damage Action Report
- N. Approval of City RESOLUTION Appointing Members to the Sand City Art Committee, (this item was pulled for discussion and further information on memberships)
- O. There was no discussion of City Contributions/Donations
 - 1). Veterans Cemetery Master Development Plan - \$2,500

Motion to approve Consent Calendar Items A through D, F through M, and Item O was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler and Pendergrass. NOES: None. ABSTAIN: None. ABSENT: Council Member Morris. Motion Carried

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

- E. Approval of City RESOLUTION Paying Tribute to Todd Kruper as a Champion of the Arts, (this item was pulled for discussion). The Council agreed to approve the updated resolution. Motion to approve agenda item E was made by Council Member Carbone, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler and Pendergrass. NOES: None. ABSTAIN: None. ABSENT: Council Member Morris. Motion Carried

- N. The updated resolution appointing all the members of the Art Committee is now complete with all five of the proposed members agreeing to be participants. Motion to Approve the City Resolution Appointing Members (Craig Hubler, Gay Morris, Elisabeth Ramirez-Fagan, Dierdre Bascou, and John Chappell), to the Sand City Art Committee was made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler and Pendergrass. NOES: None. ABSTAIN: None. ABSENT: Council Member Morris. Motion Carried.

AGENDA ITEM 7, PUBLIC HEARINGS

- A. Community Development Director Matarazzo reported to the City Council on the proposed mixed use/planned unit development rezoning for the James Obara property, located at 770 Tioga Avenue within the East Dunes planning area.

Mr James Obara is proposing a moderately sized, 3 story live/work building at 770 Tioga Avenue, where a mobile home now exists. It is located in an area designated as "the East Dunes Specific Plan", and is zoned as C-2 (heavy commercial). The general plan requires that a planned unit development (PUD) be approved in this area for new development pending the adoption of a specific plan. Staff recommends that the Obara property be rezoned to MU-P/PUD subject to the design standards of the attached ordinance. The City Council should also give some consideration to re-starting the East Dunes Specific Plan process. The back-out access onto Tioga Avenue, which will eventually become heavily traveled, is not encouraged but it is the only option for the proposed building due to the size of the lot. The Community Development Director reported to the Council that he received a call from Don Orosco concerning views from his development area that might be affected by this project.

For the East Dunes specific plan to be completed there are two land use issues that need to be addressed: completion of the East Dunes Habitat Conservation Plan (HCP), Revised circulation and lotting pattern-the primary ingredient of a Specific Plan.

7:21 p.m. Opened the Floor to Public Comment

Steve Krebs, (President of Krebs Design): Stated that he was the designer of the project, and it was a fairly difficult site due to the 25 foot wide lot size, with 3 foot setback requirements. He feels the project has a warm residential look rather than a commercial look. The Mayor asked if the owner was in agreement with all of the conditions, and Mr. Krebs answered "yes".

7:25 p.m. Floor Closed to Public Comment

There was further discussion among the Council Members about viewshed

protection for the South of Tioga project and how this project might affect this. The Council also stated that they don't want this to be the beginning of single family homes on 25 foot lots covering the East Dunes area. The Community Development Director responded that the City needs to get a specific plan approved as soon as possible to address this issue. The City Administrator said the Council may want to look at a Specific Plan, and in the meantime consider instituting a moratorium on new construction.

Motion to approve the FIRST READING: of the **Ordinance** of the City of Sand City Amending Title 18 of the Municipal Code to reclassify certain property located at 770 Tioga Avenue (APN: 011-121-013) from C-2 (Heavy Commercial) to MU-P/PUD (Mixed Use, Planned Unit Development), was made by Council Member Pendergrass, seconded by Council Member Carbone. Roll Call Vote was taken. AYES: Council Members Blackwelder, Carbone, Hubler and Pendergrass. NOES: None. ABSTAIN: None. ABSENT: Council Member Morris. Motion Carried. The second reading will be on the February 5th agenda.

AGENDA ITEM 8, OLD BUSINESS

- A. The Community Development Director explained to the Council that this item was continued from the December 4, 2007 Council meeting in order for staff acquire more information on the proposed venture capital fund being sponsored for the Monterey and Santa Cruz County areas. The Community Development Director attended the Association of Monterey Bay Area Governments (AMBAG) meeting on January 14, 2008, and the actual benefit to Sand City would be a secondary benefit, not for the actual businesses but rather from their employees buying a home in Sand City or shopping in Sand City.

The Mayor called for a motion. No motion was made to approve **City RESOLUTION** Approving Funding of \$5,000 for the establishment of a Regional Venture Capital Fund endorsed by the Association of Monterey Bay Area Governments (AMBAG) and the Fort Ord Reuse Authority (FORA).

- B. The City Engineer began the progress report on the Public Works projects, stating that he has been working on standard construction details-standards specifically for Sand City. The City has been using the City of Seaside's Standards, and the City really needs to customize their standards for Sand City. In regard to the Desalination project, he recently received a good scope of work from the well contractor for the discharge lines and is waiting comments from the Public Health Department on the watershed survey. The City Administrator handed out a letter from Cal-Am regarding the required date for commencing construction of the desalination plant, and that the water company will forbear exercising the right to terminate the Operating Lease for an additional 30 days. There is a meeting with Coastal Commission staff next Tuesday to work out conditions for permitting that have not yet been resolved.

The Chief of Police and the City Engineer will be meeting this week to review possible improvements of the two left turn lanes from the Edgewater Shopping Center by Borders Book store onto California Avenue to alleviate the bottle neck traffic exiting the shopping center. They will look at this as their first alternative and pilot program. If this doesn't work, then they will look at other alternatives.

AGENDA ITEM 9, NEW BUSINESS

- A. The Chief of Police gave an overview of the State Video Service Franchise Agreement. On September 29, 2006 the Governor signed into law AB 2987, the Digital Infrastructure and Video Competition Act of 2006 (DIVCA). This law changed the franchising and regulatory structure for the provision of cable television and other video services in California. Under the DIVCA, video services operations are able to seek their franchises from the California Public Utilities Commission rather than from cities and counties. It is important to note that existing locally granted franchises may be extended. Currently, the City of Sand City is joining with other Monterey Peninsula cities and the City of Salinas to work together on franchise issues and by arranging to hire a consultant group, the Buske Group.. Under DIVCA, the City will receive franchise fees of 5% of an operator's gross revenues from any holder of a State franchise operating in the City. The City will receive 1% of an operator's gross revenues, which must be used to facilitate Public, Education and Government (PEG) access to the cable system. Though the proposed Ordinance would be effective 30 days after adoption, it has little substantive effect until a State franchise holder begins construction in the City. The City Attorney stated this is a "model Ordinance", and the other cities are going to be considering it. Now that cable companies can go to the State and get a State franchise, this Ordinance is to protect the local government. The City of Monterey has been leading these negotiations, and AT&T has told them that they will be going to the State to get their franchise agreement. It is recommended that the City Council approve the Ordinance.

Motion to approve the First Reading: **Ordinance** of the City of Sand City Adding a Section 12.16.290 to Title 12 of the Sand City Municipal Code, which implements the Provisions of the Digital Infrastructure and Video Competition Act of 2006, (DIVCA), was made by Council Member Blackwelder, seconded by Council Member Carbone. Roll Call Vote was taken. AYES: Council Members Blackwelder, Carbone, Hubler and Pendergrass. NOES: None. ABSTAIN: None. ABSENT: Council Member Morris. Motion Carried. The second reading will be on the February 5th agenda.

- B. The City Administrator reviewed the Fee Increase for Creegan & D'Angelo/City Engineering Services for FY 2007-2008 noting that they were requesting a 3.3% increase effective January 1, 2008. The City Administrator stated that City Staff received increases as of July 2007, and the City Attorney was

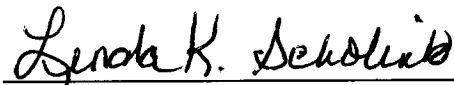
granted an increase effective January 1, 2008, and that the City Engineer was requesting this increase be implemented in January of 2008, and he recommended approval.

Motion to approve the **Resolution** of the City Council of the City of Sand City Approving a Fee Increase for City Engineer and Public Works Director Services for Cregan & D'Angelo in the City of Sand City, California was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler and Pendergrass. NOES: None. ABSTAIN: None. ABSENT: Council Member Morris. Motion Carried

- C. The Director of Administrative Services reviewed the Upcoming Meetings/Events with the City Council and received their RSVP's.

AGENDA ITEM 10, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Blackwelder, seconded by Council Member Hubler to the next regularly scheduled City Council meeting on February 5, 2008, 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:10 p.m.



Linda K. Scholink, City Clerk