

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting - February 5, 2008
CITY COUNCIL CHAMBERS
7:00 P.M.

Mayor Pendergrass opened the meeting at 7:00 p.m.

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
Council Member Morris
Mayor Pendergrass

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

AGENDA ITEM 4, COMMUNICATIONS

A. There was no written communication distributed to the Council

7:02 P.M. Floor Opened for Public Comment

Pete Ericksen, property owner, stated that he would like to build a house on his property located in Sand City, and inquired if water can be allocated for this property.

Dave Wilson, property owner commented that he has spoken with City Staff and would like to begin the process of acquiring building permits for his property in Sand City. The lack of water has prevented Mr. Wilson from moving forward.

Mayor Pendergrass suggested that these inquiries be directed to City Staff.

City Administrator Kelly Morgan added that a progress report on the Sand City Water Supply Project will be addressed in Agenda Item 8B, and welcomed the public to remain for that item.

7:05 P.M. 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 of the January 15, 2008 Sand City Council Meeting Minutes.
- B. There was no discussion of the Police Department Report, December 2007.
- C. There was no discussion of the Police Department 2007 Annual Report.
- D. There was no discussion of the Fort Ord Reuse Authority Report, FORA, January 2008.
- E. There was no discussion of the City/Redevelopment Agency Financial Report for December, 2007.
- F. There was no discussion of City **Resolution** recognizing Pearl Carey as the 2008 NAACP Presidents Award Recipient.
- G. Consideration of Redevelopment Agency **Resolution** approving the execution of a contract with Hanna and Associates to appraise the Carroll Property, 525 Ortiz Avenue, at a cost not to exceed \$4,500 was pulled from the consent calendar for consideration under Agenda Item 6.
- H. There was no discussion of City **Resolution** recognizing the Monterey Bay Blues Festival as the 2008 NAACP Spirit of Partnership Award Recipient.
- I. Review of Waste Management Issues
 - 1) There was no discussion of the Receipt of Notice on "Increase to Miscellaneous Waste Handling Fees and Minimum Charges" from the Waste Management District.
 - 2) Consideration of City **Resolution** authorizing a rate increase adjustment for Waste Management (WM), effective January 1, 2008 is continued to the February 19, 2008 City Council Meeting by unanimous consent of the City Council.
- J. There was no discussion of **Resolutions** authorizing Banking Services Agreement(s) with Rabobank.
 - 1) City **Resolution**.

2) Redevelopment Agency **Resolution.**

- K. There was no discussion of Donations/Contributions to the AMBAG 2008 Sanctuary Currents Symposium Sponsorship for \$250 and to the Panetta Institute for \$500.

Motion to approve the consent calendar items 5 A-F, 5H, 5I(1) and 5 J-K was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

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

There was no discussion of Consent Calendar item 5G, approval of Redevelopment Agency Resolution approving the execution of a contract with Hanna and Associates to appraise the Carroll Property, 525 Ortiz Avenue, at a cost not to exceed \$4,500.

Motion to approve Redevelopment Agency **Resolution** approving the execution of a contract with Hanna and Associates to appraise the Carroll Property, 525 Ortiz Avenue, at a cost not to exceed \$4,500 was made by Agency Member Morris, seconded by Agency Member Carbone. AYES: Agency Board Members Carbone, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Agency Board Members Blackwelder and Hubler. Motion Carried.

{Agency Members Blackwelder and Hubler returned to the dais}

AGENDA ITEM 7, PUBLIC HEARINGS

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

- A. Community Development Director Steve Matarazzo presented the Second Reading adopting an **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). The amendment, as enclosed, conforms to the City's General Plan diagram as "East dunes Specific Plan". Staff recommends the adoption of the second reading of the ordinance.

7:07 P.M. Floor Opened for Public Comment

There was no comment from the Public

7:08 P.M. Floor Closed to Public Comment

Motion to approve the second reading adopting an **Ordinance** of the City of Sand City amending Title 18 of the Municipal Code to reclassify certain property located at 770 Tioga Avenue (APN: 011-0121-013) 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: AYES: Council Members Blackwelder, Carbone, Hubler, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Member Morris. Motion Carried.

{Council Member Morris returned to the dais}

- B. Associate Planner Charles Pooler presented a City Resolution approving Coastal Development Permit 08-01 allowing a small scale nail salon service business at 490 Orange Avenue. The applicant proposes to establish a nail salon for manicures, pedicures and acrylic work with minimal on-site retail of nail related products. The applicant will be the only employee at this time. There is adequate parking with the proposed use, which has a compacted decomposed granite (DG) surface. The intended use poses no unforeseeable negative impacts and is compatible with a mixed-use neighborhood. There is presently adequate on-site water credit for the proposed use. Staff recommends approval of the attached coastal development permit at the subject property.

7:15 P.M. Floor Opened for Public Comment

The applicant made no additional comment, and is in agreement with the terms and conditions of the permit.

7:16 P.M. Floor Closed to Public Comment

Motion to approve City **Resolution** approving Coastal Development Permit 08-01 allowing a small scale nail salon service business at 490 Orange Avenue was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- C. Associate Planner Charles Pooler presented a City Resolution approving Coastal Development Permit 08-02 allowing a small scale mobile concession food trailer use at 880 Tioga Avenue. The applicant proposes to operate a self-contained mobile concession trailer at 880 Tioga Avenue, which is located within the South of Tioga Redevelopment Project Area. The applicant will prepare and serve food from his trailer to the general public, which is intended to be a "take-out" service. Seating or on-site amenities will not be provided or encouraged. The concession trailer is fully self contained with its own power, water and waste facility. The site provides 27 parking spaces. Four of these spaces are arranged in tandem where the applicant intends to park and operate his business. The daily hours of operation at the site will be from 9:00 am with service beginning at 10:00 am, until 8:00 pm; for clean up and departure. The applicant will be responsible for

waste cleanup at the site. Staff has confirmed with Water District Staff that no water allocation is required, and does not foresee this use as posing any potential negative impacts. Staff recommends approval of the attached coastal development permit for a mobile concession trailer at the subject property.

Police Chief Klein addressed the Council that the site will be monitored during the proposed hours of operation, and sees no foreseeable problems with the applicants intended use.

7:28 P.M. Floor Opened for Public Comment

The applicant, Mr. Donald Renfrow stated that he intends to operate his food concession trailer 3 days out of the week since he has taken another job. He reiterated that the trailer is not a chevy suburban, but a 14' by 8' foot self contained concession trailer with its own plumbing and electrical units. All food preparation and service will be operated within the trailer, and it is fully licensed with the County Health Department.

Steve Wilson, property owner questioned whether it was in the best interest of Sand City, to approve food wagons to operate within City limits, especially at our entrances, and asked the Council if this kind of operation is beneficial to the City's environment.

7:30 P.M. Floor closed to Public Comment

Council Member Blackwelder commented that he would like to see a picture of the vehicle since it has changed from a Suburban to a 14' trailer, and if the applicant can provide a photograph of the trailer.

The applicant was unable to provide the Council with a photograph at this time.

Council Member Morris suggested that the conditions of the permit be changed from one year to six months.

There was unanimous consensus of the Council to continue the public hearing considering a Coastal Development Permit for the applicant to the February 19, 2008 Council meeting so the applicant can provide adequate photographs of the trailer for the Council to review.

AGENDA ITEM 8, OLD BUSINESS

- A. Police Chief Michael Klein presented the second reading adopting an **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). Police Chief Klein stated that there is no additional comment and recommends the adoption of the proposed ordinance.

7:38 P.M. Floor Opened for Public Comment

There was no comment from the Public.

7:39 P.M. Floor Closed to Public Comment

Motion to approve second reading adopting an **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: AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- B. Community Development Director Steve Matarazzo reported on the progress of the Sand City Water Supply Project. At the February meeting of the Coastal Commission, the executive director will approve Sand City's right to stay connected to the Cal-am water system as an "immaterial amendment" to the coastal development permit. The Monterey Peninsula Water Management District (MPWMD) board of directors adopted the Sand City water entitlement ordinance by a 4-3 vote, allowing Sand City to produce 300 acre feet per year of desalinated water. Sand City successfully completed its Bond financing activities that will result in substantial funds to be allocated for the water and other public projects. The City has reached an agreement with the Coastal Commission staff regarding the beach access improvements on Bay Street with an approximate cost to the City of \$200,000 to be reimbursed by a State grant. It was also recommended that the concrete rubble be removed or reconfigured from the end of Tioga Avenue. CDM, the desalination plant contractors are presently purchasing parts for the desalination plant. The Coastal permit may be issued this week. The architectural drawings for the building have been approved by the Design Review Committee as shown in the attached illustration.

City Engineer Richard Simonitch added that the horizontal well contractor, is very interested in this part of the project and is willing to submit a proposal to the City. They need to survey the site to arrange a reasonable time frame to do the work.

Mayor Pendergrass encouraged the Council and Staff to remain positive, and commended their efforts. The \$2.9 million grant and bond financing has allowed the City to move forward with the Sand City Water Supply Project

- C. Community Development Director Steve Matarazzo presented the consideration of a City resolution authorizing a special reserve fund over a five-year period for the removal and/or reconfiguration of rip rap along the beach in partial compliance with Special Condition 2(a)(4) of the Coastal Development Permit for the Sand City Water Supply Project. At the January meeting between the Sand City and Coastal Commission staff, there was discussion regarding the requirements needed to satisfy special condition 2(a)(4) of the Coastal Development Permit (CDP) for Sand City's water project. It was mutually agreed that the City would install beach

access improvements at Bay Street, and provide funding for the removal and/or reconfiguration of rip rap at the end of Tioga Avenue. The estimated cost of \$120,000 for the rip rap removal at the end to Tioga is to be funded over a five year period, beginning this fiscal year. Staff recommends the approval of the attached resolution to satisfy the requirements of the Sand City Water Supply coastal development permit.

Council Member Morris commented that the location suffers from severe erosion. If the rip rap is removed it would cause additional erosion at the site.

City Engineer Richard Simonitch added that the Coastal Commission might consider some armoring at the location.

Motion to approve City **Resolution** authorizing a special reserve fund over a five-year period for the removal and/or reconfiguration of rip rap along the beach in partial compliance with Special Condition 2(A)(4) of the Coastal Development Permit for the Sand City Water Supply Project was made by Council Member Morris, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- D. City Engineer Richard Simonitch presented the consideration of City resolution authorizing award of the Sand City Water Supply Project Wells and Pipelines Project to MGE Underground, Inc. Staff is reintroducing the low bid contractor for the feed well, drilling and pipelines. The City received seven bids, and MGE Underground was the lowest bidder. The primary concern is with the scheduling since the contractor is presently working on a number of wells in the Monterey area. Staff recommends approval of the attached resolution.

Motion to approved City **Resolution** authorizing award of the Sand City Water Supply Project Wells and Pipelines Project in Sand City, California to MGE Underground, Inc. was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- E. Community Development Director Steve Matarazzo reported on the Staff's meeting last Thursday with Mr. Don Orosco, who has acquired 90% of the properties on the site for future development. He is presently beginning negotiations on the Lowe's site.

City Engineer Richard Simonitch reported that he is presently reviewing the energy efficiency of the desalination plant with PG&E and the possibility of installing lateral energy exchange equipment. PG&E will review the plans to consider energy conservation rebates. Mr. Simonitch also reported that plans and related information will be submitted to the Coastal Commission Staff some time this week for beach access improvements at Bay Street. The engineering staff is also considering creating an underground utility district, and is presently working with PG&E on this project.

AGENDA ITEM 9, NEW BUSINESS

- A. Todd Kruper addressed the Council, and thanked the Mayor for Sand City's acknowledgement and resolution at the Champion of the Arts Dinner. Mr Kruper reported that he has drafted preliminary plans for the 2008 West End Event, and has been in contact with Mr. Vagnini with the possibility of introducing new bands. Mr. Kruper will be attending training for informational purposes regarding alcohol and beverage control and has recently met with Police Chief Klein regarding the ABC requirements for the sale and consumption of alcoholic beverages at City sponsored events. He is looking forward to another successful West End Event this year, and would like to request the Council and Mayor draft a letter for Mr. Kruper so he can solicit the West End Event to businesses.

Mayor Pendergrass suggested that a committee be formed to provide oversight for the West End Event. This oversight committee would include five to six individuals. One from the City Council (Council Member Morris accepted this appointment), one from the Art Committee, the Chief of Police, Administrative Services Director and the City Administrator.

Motion to approve the West End Services Agreement with Todd Kruper as amended was made by Council Member Carbone, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- B. The Deputy City Clerk brought to the Councils attention the upcoming meetings and events and requested final RSVP's to the MCPOA Dinner by Wednesday, February 6, 2008.

The public was adjourned at 8:27 p.m.

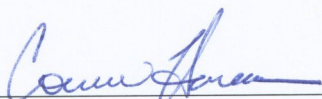
AGENDA ITEM 10, CLOSED SESSION

- A. City Council to adjourn to Closed Session to confer with Legal Counsel:
- 1) Regarding pending litigation pursuant to §54956.9(c) of the Ralph M. Brown Act, Security National Guaranty, Inc. v. California Coastal Commission, et al.
 - 2) In accordance with Section §54956.9(b) of the Ralph M. Brown Act regarding threatened litigation: one case.
- B. City Council readjourned 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 reportable action taken.

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Blackwelder, seconded by Council Member Morris, to the next regularly scheduled City Council meeting on February 19, 2008, 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 9:05 p.m.



Connie Horca, Deputy City Clerk