

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – February 19, 2008
CITY COUNCIL CHAMBERS

Mayor Pendergrass opened the meeting at 7:03 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- (absent)
Michael Klein, Police Chief
Linda Scholink, Director of Administrative Services
Charles Pooler, Associate Planner

AGENDA ITEM COMMUNICATIONS

- A. Written communications distributed to the City Council this evening included (Agenda Item 7A), TAMC presentation, full investment plan (Agenda Item 10A), Revised Resolution, (Agenda Item 9C) e-mail from City Engineer giving Council updated project information
- B. Oral
 - 7:05 P.M. Floor Opened for Public Comment
No Comments
 - 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.

- (1) CUP #192, Steve Wilson (Mobile Home), 7 Scott Street.
- (2) CUP #212, Nicholas Olivio (Music Recording Studio), 1745 Hickory Street.
- (3) CUP #241, Joe Bonano (Automotive), 475-A Olympia Avenue.
- (4) CUP #448, Mike Houser (Screen Print Shop), 542 Ortiz Avenue.
- (5) CUP # 474, Rooter King (Plumber), 360 B Shasta Avenue
- (6) CUP 471, Peninsula Plumbing (contractor) 749 Dias Avenue
- (7) CDP #93-01, Max Wholesalers (Picture Frame Supply), 325 Elder Avenue
- (8) CDP #98-01, James Davi (Paint Contractor), 1815-E Contra Costs Street
- (9) CUP 07-01, Sato Racing (wholesaler), 2B John Street

- B. There was no discussion of February 5, 2008 Sand City Council Meeting Minutes
- C. There was no discussion of Police Department Report, January 2008
- D. There was no discussion of Public Works Monthly Activity Report, January 2008
- E. There was no discussion of the Fort Ord Reuse Authority Report, FORA, February, 2008
- F. There was no discussion of City/Redevelopment Agency Treasury Report, December 2007
- G. Approval of City RESOLUTION Authorizing a Rate Increase Adjustment for Waste Management (WM) (this item was continued from the February 5, 2008 Council Meeting)
- H. Approval of City RESOLUTION Approving a 90-Day Time Extension of Conditional Use Permit 481 for Monterey Bay Plumbing to continue their Contractor Operation as an interim use within an existing building at 856 Tioga Avenue
- I. There was no discussion of City Contribution/Donation to Monterey High School PTSA "Sober Grad Night" - \$200

Motion to approve the consent calendar was made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Morris and Pendergrass. NOES: None. ABSENT: None. ABSTAINED: None. Motion Carried.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

No items

AGENDA ITEM 7, PRESENTATIONS

- A Todd Muck, Principal Planner from TAMC, made a presentation to the Council regarding an upcoming Sales Tax Investment Fund and Regional Impact Fee Program . They are currently projecting a \$5.5 billion shortfall over the next 25 years for roadway improvements. TAMC wants to reduce the funding gap by raising \$1.8 billion over the next 25 years through regional fees of \$320 million, a ½ percent sales tax increase to produce an estimated \$980 million, and matching funds through TAMC of another \$470 million. If the sales tax increase is not approved by the voters, then the implementation plan would need to be revised. The sales tax increase must be approved by the voters by a 2/3rds majority. If the sales tax increase is not approved the proposed projects would then be reclassified into zone appropriate projects. The benefit to Sand City would be \$280,000 for Local Street and road maintenance over the next 25 years. The transit bus service would be increased; regional bike and pedestrian facilities would be improved; Highway 1 would be widened to six lanes in the Sand City/Seaside area. This is being proposed to be on the November 4th ballot. After the presentation, there was a period of questions and comments.

AGENDA ITEM 8, PUBLIC HEARINGS

- A. The Associate Planner, Charles Pooler presented the application for a proposed food concession trailer at 880 Tioga Avenue that was continued from the February 5th Council meeting. The continuation was due to unresolved concerns regarding the appearance of the trailer at the entrance into Sand City. The applicant was to provide staff with a picture of his trailer.

Mr. Rentfrow, (applicant), provided pictures of the trailer that were handed out. He explained that he would tow the trailer to and from the site each day. He would operate the business two days a week, and they would be on his days off that fall on Sunday/Monday or Tuesday/Wednesday. He also said that he would be amicable to a six month permit if the Council felt more comfortable with that.

- 7:40 P.M. Floor opened for Public Comment
There were no comments.
7:40 P.M. Floor closed to Public Comment

Council Member Morris stated that he feels it is a bad location, (on two main streets) and not the type of business the City Council wants to start approving. He stated that he felt this was a step backwards for the City.

Council Member Blackwelder responded that it is a temporary use (pending the redevelopment project) and the applicant came in legally to get his approvals.

The Resolution and permit were amended from a one year permit to a six month time limit.

Motion to approve the amended City **RESOLUTION** Approving Coastal Development Permit 08-02 allowing a Small Scale Mobile Concession Food Trailer Use at 880 Tioga Avenue was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler and Pendergrass. NOES: Council Member Morris. ABSENT: None. ABSTAINED: None. Motion Carried.

- B. Associate Planner, Charles Pooler presented the application for a Coastal Development Permit submitted by Emmanuel Marchica, of Fit-Athletics, to establish a fitness center/gym within an existing 9,600 square foot commercial building at 880 Tioga Avenue (APN 011-122-033) in Sand City. This is the former Party Wholesale store location. Programs offered will include weight lifting, cardiovascular training, personal training, sport specific coaching and self defense classes. Programs will change and evolve to follow industry changes. No tenant improvements are proposed other than the installation of portable training and recreational equipment. The site provides 27 parking spaces. The applicant would like to operate 24-hours per Day/7-days per week. A fitness center is not anticipated to pose a nuisance. Matting in workout areas is recommended to abate potential noise. No additional water credits are required for this use. The subject property is located within the South of Tioga Redevelopment Project area, and their use considered as in interim use until the redevelopment project is ready to proceed.

7:55 P.M. Floor Opened for Public Comment

Emmanuel Marchica, (representative for applicant): explained to the Council that the members would have proxy keys, and video cameras would be on at all times. He has access to the video cameras through his lap top. He said there is a website called "Anytime Fitness.com" that the Council could check and answer their questions regarding access. He currently runs this program at the Seaside, "Diesel Fitness" center, and hasn't had any issues at that location. Kids under 16 must be accompanied by a parent. Condition # 6 was deleted and condition # 5 was amended to allow 24 hour service as requested by the applicant.

8:07 P.M. Floor Closed to Public Comment

Motion to approve the Amended City **RESOLUTION** Approving Coastal Development Permit 08-03 allowing a Fitness Center/Gym at 880 Tioga Avenue was made by Council Member Morris, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Morris and Pendergrass. NOES: None. ABSENT: None. ABSTAINED: None. Motion Carried.

AGENDA ITEM 9, OLD BUSINESS

- A. Community Development Director, Steve Matarazzo reported to the Council that the City's Coastal Permit Immaterial Amendment was approved by the Coastal Commission in Oceanside on February 8, 2008. They need a revised plan for the beach access. The City Administrator read the email from the City Engineer regarding the water project. Contracts for the Well and Pipeline contractors went out yesterday. Construction should begin March 3rd on the feed wells, and the last week of April on the pipelines. Zander has completed the Burrowing Owl study. There is a meeting scheduled with the injection well contractor, and CDM has provided a site grading plan for the desalination project.
- B. The Community Development Director updated the City Council on the status of the City's efforts to accept the dedication of the Granite Construction coastal property. During the fall of 2007, the City Council had authorized an additional Phase II environmental assessment on the Granite Construction coastal property to determine the level of remaining hydrocarbon contamination in the soil. Soil borings and analysis were performed by CapRock Geologic Services. Their report states that hydrocarbon levels have been substantially reduced over time, and the property is now suitable for "closure" provided that the site is used for a parking lot or similar uses that do not involve human habitation. The Monterey County Environmental Health Department recommends soil remediation, even though the contamination levels are low and non-threatening to public health. Our consultant is now conferring with the Health Department to find out the reasoning for this decision and the level of contaminant removal and related cost that may be necessary. He feels that the removal can be taken care of for approximately \$20,000, and will come back to the Council at a future date with additional information.
- C. Progress report on Public Works projects, South of Tioga Redevelopment Project, Coastal projects, and other Sand City community programs by City Engineer/Community Development Director/City Administrator have already been addressed.

AGENDA ITEM 10, NEW BUSINESS

- A. The Community Development Director presented information to the City Council on the need to approve a revised resolution for the 5 year funding of clean up related to the public access improvements at Tioga Avenue. The Council adopted a resolution at the previous Council meeting that approved funding \$ 120,000. Over a five year period for further debris removal and reconfiguration along the beach in the vicinity of Tioga Avenue. Coastal staff failed to notify the Sand City Planning Department of recommended changes to the resolution prior to passage. In City staff's opinion, the changes are minor, and do not create any additional financial liability to the City.

Motion to approve the of City **RESOLUTION** Authorizing a Special Reserve Fund over a five-year period for the Public Recreational Access Improvements in the vicinity of Tioga Avenue in partial compliance with Special Condition 2(A) (4) of

Coastal Development Permit A-3-SNC-05-010 for the Sand City Water Supply Project (**Repeals RESOLUTION of February 5, 2008**) was made by Council Member Carbone, seconded by Council Member Morris. AYES: Council Members Blackwelder, Carbone, Hubler, Morris and Pendergrass. NOES: None. ABSENT: None. ABSTAINED: None. Motion Carried.

- A. The Director of Administrative Services advised the Council there were several members of the Council that needed ethics training this year, and that Council Member Carbone had signed up for the training in February.

AGENDA ITEM 11, CLOSED SESSION

8:35 P.M. The City Council adjourned to Closed Session to confer with Legal Counsel regarding:

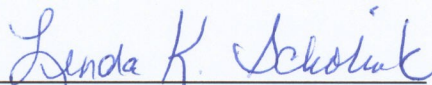
1. Public Employment Personnel Issues: City Administrator pursuant to §54957 of the Ralph M. Brown Act
2. Threatened litigation pursuant to section §54956.9(b) of the Ralph M. Brown Act

9:43 P.M. 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

1. At the conclusion of closed session, the City Attorney announced that the Council had received and accepted Mr. Morgan's announcement of his retirement and directed the Mayor and the City Attorney to enter into negotiations with Mr. Matarazzo concerning his appointment as the Interim City Administrator.
2. No discussion.

AGENDA ITEM 12, 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 March 4, 2008, 7:00 p.m. There was unanimous consensus of the Council to adjourn at 9:45 p.m.



Linda K. Scholink, City Clerk