

MINUTES

JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – November 18, 2008
CITY COUNCIL CHAMBERS
7:00 P.M.

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

The Pledge of Allegiance was led by Police Chief Klein

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

Staff: Steve Matarazzo, City Administrator/Community Development Director
Jim Heisinger, City Attorney
Richard Simonitch, City Engineer
Michael Klein, Police Chief
Charles Pooler, Associate Planner
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 memorandum of future meetings and events.
- B. Oral

7:01 p.m. Floor Opened for Public Comment

There was no comment from the Public

7:02 p.m. Floor Closed to Public Comment

Mayor Pendergrass reminded the Council to take the FEMA tests if they have not already done so. Chief Michael Klein added that the tests may be taken on-line, and the Council has until the end of the November to complete the tests.

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. 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 of the following permits.

- (1) CUP #328, Granite Rock Company (Truck Repair Shop), California Avenue (1755 Del Monte Blvd., Seaside)
- (2) CUP #440, Don Varner Design (Design Studio), 440-B Ortiz Avenue
- (3) CUP #478, Signature Nails & Spa (Manicure/Pedicure Salon), 824 Playa Avenue
- (4) CUP 489 & CDP 07-05 Wachovia Bank, 2120 California Avenue
- (5) CDP 07-06, Hillen Construction (Computer Shop) 1815-B Contra Costa Street

B. There was no discussion of the November 4, 2008 Sand City Council Meeting Minutes.

C. There was no discussion of the Public Works Monthly Report, October 2008.

D. There was no discussion of the Police Department Monthly Report, October 2008.

E. There was no discussion of the 2nd Quarter 2008 Sales Tax update prepared by the HdL Companies.

F. There was no discussion of the City Donations/Contributions to the following organizations. 1) Request by NAACP Youth Council for \$200, 2) Community Foundation for Monterey County for \$500, and 3) Meals on Wheels for \$250.

Motion to approve the Consent Calendar was made by Council Member Blackwelder, seconded by Council Member Carbone. 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

There were no items pulled.

AGENDA ITEM 7, PRESENTATIONS

- A. Ed Ghandour and consultants presented an updated report on the proposed Monterey Bay Shores Eco-Resort. The proposed project provides ecological enhancements incorporating the natural elements and surrounding habitat of the dunes. The primary goal for this project is to become a model for green building, and to set new standards in sustainability. The design of the Ecoresort takes into consideration a restorative approach by restoring the project site's ecological values, while simultaneously incorporating restoration as part of the architecture and design program. Some of the major sustainability project highlights include optimized energy performance, reducing fossil-based energy use and CO2 emissions by 53%; renewable energy production from a combination of wind power, solar energy, and geothermal heating; water conservation by capturing rainwater for non-potable uses; living roofs contributing to the restoration of natural habitat; reduction of natural hazards; land conservation; community access to newly created trails connecting the dunes system; and a wellness spa center that provides a complete spiritual, body and nutritional experience to visitors and guests.

Biologist Paul Kemphart added that the building design is sculpted into the sand dunes. From Highway One, the resort cannot be seen. This is due to the roof structure using green materials, blending into the existing landscape. The buildings will appear to be cascading down along the dunes from the beach elevations.

The EMC Planning Consultant added that the project site has introduced a lot of easements for the habitat areas which may accommodate the Smith Blue Butterfly, the Snowy Plover and protected plant species. The Habitat Protection Plan is incorporated into the project for the species which inhabit the dunes.

Mr. Ghandour concluded that the proposed project will create approximately 500 construction jobs, environmental related jobs, and increased tourism as an ecological attraction. Cal-Trans has received the traffic impact report on the project.

Mayor Pendergrass requested a copy of the presentation on disc.

8:09 p.m. Floor Opened for Public Comment

There was no comment from the Public

8:10 p.m. Floor closed to Public Comment

- B. City Engineer Richard Simonitch introduced Alexis Dominguez of Bellinger, Foster & Steinmetz regarding the Bay Street Coastal Access Plan. The beach accesses are proposed for Bay Street and Vista Del Mar. The concept of future erosion is integrated into the paving elements of the beach access design. Boulders placed around the access may also be used as seating elements. The interpretive signs are fastened to a wood bollard and will contain textual information of either Sand City's history, Sand City's desalination plant, the view from the outlook point, or information on the Monterey Bay National Marine Sanctuary.

Mr. Simonitch added that the Council should decide what they would like to have on the interpretive signs before the beach access project can move forward.

Mayor Pendergrass suggested it would be nice to have one sign depict the history of Sand City.

AGENDA ITEM 8, PUBLIC HEARINGS

- A. Associate Planner Charles Pooler presented the City resolution to amend Coastal Development Permit 08-03 to allow an expansion of use within the Fitness Center/Gym at 880 Tioga Avenue. The applicant, Emmanuel Marchica, requested an amendment for his existing 24-hour fitness/gym to include therapeutic spa amenities offering chiropractic treatment, massage therapy, and hair and facial services. Staff is recommending the permit require those employees or individual contractors performing these services hold a valid government license to perform those activities. Sand City's Municipal Code, Chapter 5.10 requires massage technicians to register with the Chief of Police, and obtain a special operations permit, to ensure that this remains a legitimate legal fitness oriented massage service. Allowable hours of operation for the salon, chiropractor and massage uses shall be between 8:00 a.m. to 9:00 p.m. daily. On-site parking is adequate for these uses. The proposed spa related use is not anticipated to create excessive noise, dust, vibration, or other negative impacts. The proposed chiropractic and massage uses qualify as Group I users, and on-site water credits are sufficient for these uses. The proposed hair salon is a Group III use and will require water allocation for each hair station. The 980 square feet of floor area will provide water credit for only one hair station. Additional water credits would need to be obtained from the City's desalination plant. Staff recommends approval to amend Coastal Development Permit 08-03 per staff's recommended conditions/restrictions.

The applicant, Emmanuel Marchica agreed to the conditions of the permit.

The Council deliberated on the massage portion of the proposed permit amendment. A few concerns discussed were the technicalities of granting

a City permit by the Police Department for the proposed massage use. The therapist should hold a State and County license as well as a City license. There was concern of restrictions and regulations of the type and form of massage being performed at this establishment. Council member Hubler suggested that the massage issue be discussed in detail at a future Council meeting once the Police Department had established a more formal procedure with adopted guidelines and regulations pertaining to massage businesses. There was Council consensus to move forward with the amendment for the resolution granting approval of the chiropractic, hair and facial services without the massage use.

9:08 p.m. Floor opened for Public Comment.

There was no comment from the Public.

9:09 p.m. Floor closed to Public Comment.

Motion to approve City **Resolution** amending Coastal Development Permit 08-03 for the expansion of use within the Fitness Center/Gym at 880 Tioga Avenue, as modified, deleting all reference to massage services, 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.

AGENDA ITEM 9, OLD BUSINESS

- A. City Engineer Richard Simonitch reported that they are still waiting for the arrival of the desalination plant equipment. Staff is currently working on the plant procedures, which are being drafted with the assistance of CDM. The plant should be ready to begin physical testing in January 2009 and end roughly in 60 days.

City Administrator Steve Matarazzo commented that in early December, Staff will be in San Luis Obispo at the hearing for the decision of the final discharge permit approval from the State Water Resources Control Board on the desalination facility. The Water District does regulate the water being pumped by the City, and monitors the water being allocated to the surrounding jurisdictions. The Regional Water Board Staff is recommending approval of the permit.

AGENDA ITEM 10, NEW BUSINESS

- A. Consideration of City Resolution authorizing the Sand City Police Department to enter into a Grant Agreement, and to participate in the "Avoid the Eighteen Driving Under the Influence (DUI) Campaign with the

Monterey County Law Enforcement Agency. Police Chief Michael Klein commented that there was language in regard to the indemnification agreement that needed clarification, and he requested this item be pulled for further review. **(There was council consensus to move this item to the December 5, 2008 City Council meeting).**

- B. The Deputy City Clerk brought to the Council's attention the upcoming meetings and events, and reminded the City Council of Mr. James Heisinger Sr. memorial service.

AGENDA ITEM 11, CLOSED SESSION

9:21 p.m.

- A. Agency Board to adjourn to Closed Session:

- 1) To confer with Legal Counsel regarding existing Litigation in accordance with Section 54956.9 of the Ralph M. Brown Act, the Center for Biological Diversity v. Dirk Kempthorne.et.al.

- 2) To confer with Legal Counsel regarding significant exposure to litigation under Section 54956.9(b) of the Ralph M. Brown Act (1 case).

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

- 3) To confer with real property negotiator in accordance with Section §54956.8 of the Ralph M. Brown Act regarding real property negotiator, Steve Matarazzo, Executive Director regarding the acquisition of specific properties located at 525, 537, and 539 Ortiz Avenue, and 512 Redwood Avenue (APN 011-196-004, 013, 019, & 020) Carroll Property.

10:13 p.m.

- B. The City Council/Agency Board 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

- 1) City Council gave direction to City Attorney.

- 2) City Council gave direction to City Administrator.

- 3) Direction was given to property negotiator, Steve Matarazzo.

AGENDA ITEM 12, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Carbone, seconded by Council Member Morris to the next regularly scheduled Council meeting on

December 2, 2008 at 7:00 p.m. There was unanimous consensus of the Council to adjourn at 10:14 p.m.



Connie Horca, Deputy City Clerk