

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

REGULAR MEETING-February 6, 2007
CITY COUNCIL CHAMBERS
7:00 P.M.

Mayor Pendergrass opened the meeting at 7:04 p.m.

The invocation was led by Reverend Snyder

Police Chief Klein led the Pledge of Allegiance

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

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

AGENDA ITEM 4, COMMUNICATIONS

Anyone wishing to address the City Council on Consent Calendar item(s) or matters not listed on the agenda may do so during Oral Communications. Matters not appearing on the City Councils agenda will not receive action at this meeting, but may be referred to staff or set for a future City Council meeting. Presentations will be limited to three minutes or as otherwise established by the City Council. The public may comment on any other item, which is on the agenda when that matter is considered by the City Council during the meeting, and prior to action on that item 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 revised Sand City Website Proposal Packet and the HdL Property Tax Summary Report for Fiscal Year 2006-2007.

7:06 P.M. Floor opened for Public Comment

There was no comment from the Public

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 January 16, 2007 Minutes
- B. There was no discussion of Fort Ord Reuse Authority, FORA Report, January 2007
- C. There was no discussion of City/Redevelopment Agency Monthly Financial Reports, November 2007
- D. There was no discussion of City Contributions/Donations
 - 1. Americans for the Arts Action Fund - \$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: one. ABSENT: None. ABSTAIN: None. Motion Carried.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items considered

AGENDA ITEM 7, PRESENTATIONS

- A. Caria Martins presented a proposal for to update and improve the Sand City Website. Ms. Martins compared websites of other Monterey Bay cities to Sand City's web page. She proposed several changes that would include a new marketing brand to emphasize the creative spirit and ingenuity of the citizens and businesses of Sand City. These changes would include a new graphical interface for all pages with original graphics and navigation buttons/icons, a new navigation structure that clearly defines important sections of the website improving access to information, and a page that would show current events and news. Ms. Martins proposed a cost of \$4,500 for the Web Graphical Interface Design, and an additional \$2,500 for the cost of Implementation. She further suggested the possible use of a weblog where citizens and businesses can communicate their opinions.

Council Member Hubler commented that it may not be wise to include a weblog, especially during election years due to the controversy it could generate.

City Attorney Jim Heisinger added that since we are a city government, there are legalities involved as to what can be posted on a city website.

After further discussion, the City council was in consensus to proceed with the proposal for Sand City's Website update and improvement with a resolution for a contract to be presented at a future Council meeting.

AGENDA ITEM 8, PUBLIC HEARINGS

- A. Associate Planner, Charles Pooler, a City **RESOLUTION** approving conditional use permit #481 to allow a plumbing contractor to operate for an interim temporary use at 856 Tioga Avenue within the project site within the South of Tioga Redevelopment Project area. Materials to be stored on site are pipes, fittings, tubing's and tools. The existing plan does not allow for adequate parking since the driveway is too narrow to provide vehicle turn around, and the building frontage is not set back an adequate distance. Staff recommends the permit prohibit any loading and unloading from occurring within the Tioga Ave right-of-way with parking limited within the driveway. Existing on-site water credit is adequate for the intended use, and the applicant is aware that their use permit is for an interim use until such time as the redevelopment project is ready to proceed. Staff recommends the permit include a termination clause, specifying termination date one (1) year from approval with the option of 90-day extensions at the discretion of the City Council.

Vice-Mayor Carbone asked, "Where will the loading and unloading of supplies take place?"

7:40 P.M. Floor opened for Public Comment

The applicant, Ron Ursey replied that the loading and unloading will take place within the premises and should not block the sidewalk. The driveway would be adequate for the needs of the business, since all the trucks will go home with the employees after hours.

Council Member Morris asked about the shed and if it will remain on the property, since condition #5 of the permit would require the removal of the shed.

Associate Planner, Charles Pooler replied that the draft permit required the removal of the shed to accommodate additional tandem parking space.

Mr. Ursey commented that he would like the shed to remain on the property to use for additional storage of materials and supplies. It would be more cost effective since he does not anticipate a long term tenancy due to the future redevelopment of the area.

7:52 P.M. Floor closed to Public Comment

Mayor Pendergrass suggested that changes be made to the conditional use permit regarding the shed, allowing it to stay. The Mayor asked the applicant whether he was in agreement with the conditions of the permit, as modified.

The applicant was in agreement with the modified conditions of the permit.

Motion to approve **City RESOLUTION Approving Conditional Use Permit 481 allowing a Plumbing Contractor to Operated as an Interim Temporary Use at 856 Tioga Avenue** with modifications to condition #5 and the deletion of condition #10 was made by Council Member Blackwelder, seconded by Council Member Morris. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

7:53 P.M. *{Due to a possible conflict of interest by residing within 500' of the project area, Council Members Blackwelder and Hubler abstained and left the dais}*

- B. Associate Planner, Charles Pooler presented a City **RESOLUTION** for a coastal development permit to allow a motorcycle wholesale distribution business at 2 John Street, Unit B. Mikiko Osumi, of Sato Racing, submitted the to utilize a portion of an existing 2-story commercial building for her wholesale business of motorcycle motor parts and company accessories. There will be no manufacturing on this location and there is adequate on-site parking. It is recommended that all shipments/deliveries be restricted to arrive/depart only during daytime business hours. This type of use is expected to be consistent and compatible with a mixed-use environment, so long as deliveries and shipments occur during daytime business hours, and all storage is maintained within the building. Staff recommends approval of a coastal development permit to the applicant, allowing Sato Racing at the subject property, per the conditions of the permit as presented.

7:55 P.M. Floor opened to Public Comment

Real Estate Broker, Pete Ericksen, commented that the City needs to keep a close watch on other tenants, so the applicant may come in and out with no problems.

Sand City Resident, Todd Kruper addressed his concern that the applicant only be a wholesale distributor, with no repairs or modifications to motorcycles since the noise level could become excessive.

Associate Planner Pooler commented that the permit does address Mr. Kruper's concern under condition #2.

Dan Kyle of Kyle Racing, a local business, requested that the Council approve the permit since Sato Racing provides parts for his operations and would like to see them as part of this business community.

7:58 P.M. Floor closed to Public Comment

Motion to approve **City RESOLUTION approving Coastal Development Permit 07-01 allowing a Motorcycle Wholesale Distribution Business at 2 John Street, Unit B by title**, was made by Council Member Morris, seconded by Council Member Carbone. AYES: Council Members Carbone, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder and Hubler.

8:00 P.M. *{Council Members Blackwelder and Hubler returned to the dais}*

8:01 P.M. The Council adjourned for a recess.

8:06 P.M. The Council re-adjourned after a five minute recess.

- C. City Engineer, Richard Simonitch, presented a draft **ORDINANCE** to amend the Municipal Code to include chapter 13.05, Storm Water Management, with Requirements consistent with the Federal Clean Water Act (33 U.S.C. Sections 1251 ET SEQ.) On December 8, 1999, the U.S. EPA promulgated regulations under the authority of the Clean Water Act, Section 402(p) (6), which requires NPDES storm water permits for operators of small municipal separate storm sewer systems that discharge into waters of the U.S. Sand City is required to participate in Phase II because it is part of the Monterey Peninsula area, and the high population growth from 1990-2000 was approximately 70%. As part of the Storm Water Management Program group, the MRSWMP includes a commitment by the City of Sand City to adopt a storm water ordinance within 3 months of permit coverage. Failure to submit a storm water ordinance could result in enforcement action. The purpose and intent of this ordinance would ensure public health, safety and the general welfare of the citizens of Sand City and the region by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drain system. This Chapter shall be construed to assure consistency with the requirements of the Clean Water Act and the Porter-Cologne Act as the same are amended from time-to-time. Staff recommends the adoption of Storm Water Management Ordinance for the first reading and that it be added to the Sand City Municipal Code as Chapter 13.05.

Mayor Pendergrass asked if the City would need to give a yearly report.

Mr. Simonitch replied that the advisory group will give a yearly report.

Council Member Morris asked if the Public Works Department would be involved in receiving calls regarding any substances that may enter the storm drains.

Mr. Simonitch answered that the Public Works Department would be responsible to make sure the drains are clean and to report any illegal runoff.

Further discussion included the possibility of fines, and what the cost of those fines would be, the legal process by which these fines would be imposed and the

procedures by which enforcement would ensue. City Attorney, Jim Heisinger, commented that the City does not have a specific fine schedule pertaining to this ordinance. Mr. Simonitch added that the State would look to Sand City for enforcement, and that it is the City's primary responsibility to keep the storm drains clean.

8:21 P.M. Floor opened to Public Comment

There was no comment from the Public

8:22 P.M. Floor Closed to Public Comment

Mayor Pendergrass requested that Staff send a letter to the residents and business owners within Sand City with information regarding this ordinance.

Motion to approve **FIRST READING of ORDINANCE amending the Municipal Code to include Chapter 13.05, Storm Water Management, Consistent with Requirements of the Federal Clean Water Act (33 U.S.C. Sections 1251 ET SEQ.)** by title was made by Council Member Morris, seconded by Council Member Carbone. Roll Call Vote, AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None ABSTAIN: None. Motion Carried.

AGENDA ITEM 9, OLD BUSINESS

- A. City Administrator, Kelly Morgan presented the Prop 50 Grant Contract and Review of Project Work Plan (Exhibit B) and Project Budget (Exhibit C). After careful review, Staff agreed that changes and modifications were needed to be made as shown in the attached revised exhibits. After review from the State, the changes to the exhibits were approved. These changes to the Project's Budget included a slight increase for cost allocations for possible contingencies and with these contingencies; the City's commitment is \$2.7 million out of approximately \$7 million remaining budget. Other funding sources, as appear in the exhibit, will help reduce the City's financial commitments. In the memo, a sentence was left out, which should read *"After several hours of discussion and evaluation of all the projects, it became clear that the Sand City Desal Project was the advanced project ready to be implemented and should be the top candidate for federal assistance."*

Mayor Pendergrass commented with much enthusiasm regarding the progress of Sand City's desal project and how it will inspire other cities to follow as Sand City sets the pace.

Council Member Morris asked what is happening with the Cal Am negotiations.

Mr. Morgan replied that the staff had a phone conversation with the new Cal-Am president, Kent Turner, who remains very positive about the project. He would like to complete arrangements and be directly involved in a business deal and forwarded some sample agreements that can be used as model agreements for

possible business arrangements. There is no finalized amount as to how much it will cost to produce the water, and how much it may cost for Cal-Am and others to buy it.

The Council was in consensus to proceed with the Prop 50 Grant Application.

- B. City Engineer, Richard Simonitch, reported the progress of the Council Chamber Lighting and PA system. He will have a meeting with David Martin on Friday to discuss an estimated cost and to begin the bidding process. Also, Redwood and California Avenue will need street re-surfacing, which would include removing six inches of the surface and repacking it. It will be similar to the recent work done in the East Dunes.

Community Development Director, Steve Matarazzo, reported that he received a call from a disgruntled property owner within the blighted areas of her property, which is within part of the South of Tioga Redevelopment project area. Her complaint is that she is not getting the rent and fair market value for her properties, and she would like to remodel, but due to the appearance of surrounding properties, her efforts may be futile. She is frustrated that the project is moving so slowly.

Mayor Pendergrass requested Staff to contact Mr. Orosco, who must present the Council a progress report of his project with a timeline and information outlining the possible completion date for his project.

AGENDA ITEM 10, NEW BUSINESS

- A. Community Development Director, Steve Matarazzo presented the review of proposed water supply requirements to satisfy existing and future water needs on the Monterey Peninsula. By March 15, 2007 the Water Management District is requesting that each public agency review and comment back to the District on the proposed existing and future water figures that will be entered into the environmental impact report regarding Cal-Am's "Coastal Water Project (CWP)". Water District staff estimated the existing needs to be approximately 12,500 acre-feet, intended to replace the Carmel River water required by State Water Resources Control Board Order 95-10. Future water need figured were accumulated last year by the "technical advisory committee" (TAC) and have been previously endorsed by each relevant jurisdiction. At the January 23, 2007 Water District TAC meeting, there was consensus that the latter numbers were adequate for inclusion in the environmental impact report being developed on the Coastal Water Project (CWP). A majority of the TAC agreed with those figures, with the objection to the vote that came from Sand City. Sand City's representative recommended that to insure that "existing demand" (water use figures taken from 1995 to present) figures were not excessively low due to the very "aggressive conservation occurring on the Monterey Peninsula. Staff recommends the acceptance of the existing and future water demand figures characterized in the attached material from the Water District with the provision that "existing water

needs" figures, be adjusted in the EIR, if necessary, should the consultants find that extraordinary water conservation measures taken within the Cal-Am service area do not fairly represent future water use characteristics.

There was Council consensus to accept the recommendation.

- B. Chief of Police, Michael Klein, presented the Police Department's application for selective traffic enforcement program grant. On January 31, 2007 Officer Michael Mount submitted a grant proposal to the Office of Traffic Safety in Sacramento for a dedicated traffic officer and applicable equipment for a period of two years. The goal of this program is to reduce the number of traffic-related injuries involving alcohol, hit and run collisions, and vehicle code violations, in an effort to make Sand City a safer place for the residents and visitors. The likelihood of obtaining approval for this grant is low due to other cities in competition with this grant; however, if approved the Grant provides funds to pay for 100% of the salary and all applicable equipment needed for one officer for the first operational year and 50% of the officer's salary for the second year. The cost to the City for this two year grant would amount to half of the officer's salary for the second year of the grant terms. Officer Mount is requesting that if the grant is approved, he be selected and trained as the primary Traffic Enforcement Officer for the City. Based on his initiative, work performance and experience, he comes highly recommended to fill this position. Upon approval of the grant, the Traffic Enforcement Officer would maintain all grant records, progress reports and a cost/benefit analysis throughout the term of the grant. After the conclusion of the two year grant period, the City can reassess the program for its potential continuance.

The City Administrator pointed out that there was a math miscalculation in the 2nd years cost figures. The salary amount had been cut in half twice.

Council Member Hubler commented that if Sand City should become successful and is awarded this grant, a new officer's position will need to be advertised.

City Administrator, Kelly Morgan added that the City should wait on further action, (Resolution, etc.), until official notification of Grant approval before bringing it to the Budget Committee and Council.

The Council was in consensus to proceed with the grant application process.

- C. The Deputy City Clerk reviewed the upcoming Events and Meetings. Mayor Pendergrass brought to the Council's attention the Tribute Dinner for the former Mayor of the City of Monterey, Dan Albert, hosted by the Monterey Peninsula Chamber of Commerce and the Defense Language Institute's Foreign Language Center on Friday, February 23, 2007.

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Blackwelder, seconded by Council Member Hubler, to the next regularly scheduled meeting on February 20, 2007. There was unanimous consensus of the City Council to adjourn at 9:28 p.m.



Connie Horca, Deputy City Clerk