

MINUTES

JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

REGULAR MEETING – April 3, 2007
CITY COUNCIL CHAMBERS
7:00 P.M.

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

Police Chief Klein led the Pledge of Allegiance

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

Absent: Council Member Morris

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 included a revised resolution for Combined CDP#07-02 & CUP#484, authorizing an office use for a vehicle broker at 1815-E Contra Costa Street (agenda item 8B), and an update on the application to extend Conditional Use Permit for the Sand City Desal Project, a draft letter to the Coastal Commission and language addition for the resolution (agenda item 9B).

B. Oral Communication: Mayor Pendergrass noted that due to a lack of Council quorum, Public Hearings (Agenda items 8B, 8C), and New Business (Agenda item

10A) will be continued to the April 17, 2007 Council Meeting.

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

There were no comments from the Public

7:07 P.M. Floor Closed to 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 March 6, 2007 Minutes
- B. There was no discussion of March 20, 2007 Minutes
- C. There was no discussion of City/Redevelopment Agency Financial Report for February 2007
- D. There was no discussion of City **RESOLUTION** Declaring May 2007 as Clean Air Month in the Monterey Bay Region
- E. There was no discussion of City **RESOLUTION** Supporting the Ahwahnee Water Principles for Resource Efficient Land Use

Motion to approve Consent Calendar was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Pendergrass. NOES: None. ABSENT: Council Member Morris. ABSTAIN: None. Motion Carried.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items considered

AGENDA ITEM 7, PRESENTATIONS

Melissa Wolf from the Housing Alliance for People with Disabilities presented a summary of the housing needs for people with disabilities. The organization's main purpose is to work in developing housing opportunities specifically for extremely low to moderate income disabled individuals. In November of 2005, a County-wide survey was conducted to assess these needs, which resulted in 55% of disabled people in need of affordable housing, 48% for more room and 41% in need of community activities. The Housing Alliance recommends developing an incentive program that would create subsidies targeted toward individuals in the very low income group. The Housing Alliance's main goal is to increase public awareness of the needs of people with disabilities at the State and County levels. For additional

information the public may visit the website at: www.HAPDMontereyCounty.org or www.housingalliance.com.

AGENDA ITEMS 8, PUBLIC HEARINGS

- A. The Community Development Director presented the **SECOND READING of the Ordinance** of the City of Sand City adding Section 18.78.060 to the Sand City Code Related to Requests for Reasonable Accommodation in the Application of the City's Land Use Regulations under the Fair Housing Act. At the March 20, 2007 Council Meeting, the council approved the first reading of the proposed ordinance.

7:27 P.M. Floor Opened for Public Comment

There were no comments from the Public

7:28 P.M. Floor Closed to Public Comment

Motion to approve the **SECOND READING** of the Ordinance by title, was made by Council Member Carbone, seconded by Council Member Blackwelder. Roll Call Vote, AYES: Council Members Blackwelder, Carbone, Hubler, Pendergrass. NOES: None. ABSENT: Council Member Morris. ABSTAINED: None. Motion Carried.

- B. The consideration of City **RESOLUTION approving a Combined Development Permit (Coastal Development Permit 07-02 and Conditional Use Permit 484) authorizing an office use for a vehicle broker at 1815-E Contra Costa Street** is continued to the April 17, 2007 by Council consensus due to a lack of Council voting quorum.
- C. The consideration of City **RESOLUTION Approving an Addendum to the Mitigated Negative Declaration/Initial Study Regarding the Design Center Mixed Commercial/Residential Use Project Located at 600 Ortiz Avenue, Sand City** is continued to the April 17, 2007 by Council consensus due to a lack of Council voting quorum.
- 1) Consideration of City **RESOLUTION Approving an amendment to the Combined Development Permit (Use Permit, Coastal Development Permit, Site Plan) for the Design Center Mixed Use Project to allow 31 residential units instead of the previously approved 30 units** is continued to the April 17, 2007 by Council consensus due to a lack of Council voting quorum.
 - 2) Consideration of City **RESOLUTION approving the Tentative Subdivision Map for the Design Center Project located at 600 Ortiz Avenue** is continued to the April 17, 2007 by Council consensus due to a lack of Council voting quorum.

AGENDA ITEMS, 9 OLD BUSINESS

- A. Community Development Director Steve Matarazzo, presented an update on the proposed contract with Ecoshore International (ESI, International) to install Pressure Equalizing Modules (PEMS) Along the Sand City, Seaside and Monterey shoreline. At a meeting last Friday with environmental requisitors, most of the environmental issues were discussed. Mr. Christensen, president of ESI International, is confident that the system will work. Mr. Battalio, a coastal engineering expert, stated that many inventions have tried to retard coastal erosion in the past and they have all failed or cause deleterious effects in non-protected areas. City Staff has also contacted a Hillsboro Beach, Florida official where the system is about to be tested, and City officials feel confident that the system will work. This project is worth pursuing given the value of the beach area, the current erosion rates that are occurring (about 3 feet per year), and the reluctance of the Coastal Commission to prevent further armoring along the coast.

Mayor Pendergrass commented that a system like this could possibly work and Sand City might consider investing in these Pressure Equalizing Modules. His main concern was the permitting cost, installation and ongoing maintenance associated with the system.

City Attorney Jim Heisinger added that Staff should get back with Mr. Christensen to work out some major revisions to the contract.

Mr. Matarazzo responded that a draft contract would be presented to the Council at the next Council Meeting.

There was Council consensus to proceed with this, and to draft an appropriate contract.

- B. Community Development Director Steve Matarazzo reported on the update of the application to extend the time limit on the Coastal Development Permit (CDP) for the Sand City Water Supply Project. As of April 3, 2007 the Sand City Coastal Development Permit for the desalination project will be on the consent calendar to the Coastal Commission meeting scheduled in May 2007 in Los Angeles. A one year extension to May 11, 2008 will be recommended for the Coastal Development Permit. The Coastal Commission will not recommend two-year extensions based on the existing Coastal Act language, which limits extensions to one-year. If Sand City requested a two-year extension the Coastal Committee would require a coastal development permit amendment and a lobbying effort would be needed. There is no clarification whether the realignment of pipelines under Highway One and south of Bay Avenue will be allowed as part of the extension process or whether it will require a separate permit.

Mr. Morgan commented that the cover letter and attached resolution will need to be changed to a one-year extension.

Mr. Matarazzo distributed a photograph of stairs which allows for beach access,

located in South Carlsbad State Beach for Council review. It illustrates a similar beach/bluff profile to that of Tioga Avenue, where the Coastal Commission prefers access

- 1) Consideration of City **RESOLUTION Outlining Sand City's General Response to the Conditions of the Coastal Commissions Notice of Intent to Issue Permit.** The City Administrator has prepared attachment A with a progress report which outlines the City's level of investment and diligence toward completing the water project's conditions of approval. Staff recommends the adoption of the resolution outlining the City's progress toward implementing the Sand City Water Supply Project and its related coastal development permit conditions. The resolutions will then be sent to the Coastal Commission in advance of their May meeting.

Motion to approve City **RESOLUTION** Outlining Sand City's General Response to the Conditions of the Coastal Commissions Notice of Intent to Issue Permit by title, as amended was made by Council Member Carbone, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Pendergrass. NOES: None. ABSENT: Council Member Morris. ABSTAIN: None. Motion Carried.

- 2) Community Development Director Steve Matarazzo briefly reviewed the US Fish and Wildlife Service Issue involving the Western Snowy Plover. Due to the plovers being protected under the endangered species act, the proposed project will begin after the Snowy Plover nesting season. City Staff will request assistance form Coastal Staff to prompt the service to send an "avoidance measure" letter.

- B. City Engineer Richard Simonitch stated that contractors have been asking questions and requesting Plans and Specifications in regard to the Sand City Desalination Project. The Chamber Lighting project will begin on April 4, and progress throughout next week. Last week, a meeting with Chief Klein, Harvey Drone (PW Supervisor) and Bob Jaques (Storm Water Management) was held to review the Best Management Practices and various needs to report, since Sand City is already halfway into the reporting period for the year.

Mr. Simonitch reported that he also took an assessment of Redwood Avenue to analyze the street work which to be done. After review of the repair work which needs to be done, renovations would entail a drainage system with concrete valley gutters to be installed. It would seem more cost effective for a long term solution; possibly a total re-construction of the street be considered as opposed to a simple overlay. Public Works and Staff will develop a cost estimate for this proposed street renovation project and report back to the Council.

Mayor Pendergrass commented that the work on Redwood Avenue should be a priority for Sand City to show good faith to the residents and businesses located within that area. This item should be addressed at a future Budget Committee meeting for consideration.

Community Development Director Steve Matarazzo reported that he attended the AMBAG Housing Needs Allocation meeting. Sand City is required to update the housing element next year.

Mayor Pendergrass added that the Housing Element was a big topic at the Saturday AMBAG workshop. He also reminded City Staff that it was imperative for the City/Cal-Am to apply for the water district permit for the desalination plant now.

City Administrator Kelly Morgan reported on the South of Tioga Project. A meeting with Don Orosco and Ross Roofing went well and Mr. Orosco believes the project will continue to progress. There are still pending deals with the smaller business owners. DBO, based on the City Attorney's assistance can now notify all property owners of the property exchange provisions of the California Revenue and Taxation Code that allow you to retain your property tax basis if forced to sell under threat of eminent domain.

Chief of Police Michael Klein reported on the Annual City Bar-B-Que. It is scheduled for May 19th from 12:00 p.m. to 2:00 p.m. The City will have a local business who will be catering the event. The cost will be considerably less than last year.

AGENDA ITEMS 10, NEW BUSINESS

- A. The City **RESOLUTION Authorizing 50% Cost Share for work associated with Underground Installation of Existing Overhead Utilities on Ortiz Avenue in Sand City, California** is continued to the April 17, 2007 Council Meeting by Council consensus due to a lack of Council voting quorum.

- B. The Mayor presented the consideration of request for a Sand City representative to the Monterey County Commission on Disabilities. A letter from the Monterey County Board of Supervisors was received on March 27, 2007, requesting a representative to the Monterey County Commission on Disabilities. The Commission's role is to advise the Monterey County Board of Supervisors regarding matters of equal access to employment, public services, communications and public accommodations for persons with disabilities. The Commission also holds meeting with appropriate organizations and community groups regarding matters of mutual interest relating to persons with disabilities. There are presently six seats vacant on the Commission and an appointed representative may be a person with a disability or persons simply interested in issues affecting people with disabilities. The Commission meets from 2:00 p.m. to 4:00 p.m. on of the last Monday of each month at the Salinas Government Center.

Mayor Pendergrass asked Council Member Hubler if he would like to represent Sand City as our representative to the Monterey County Commission on Disabilities.

Council Member Hubler responded that it would be his pleasure to represent Sand

City and will check with his spouse, and give a definitive answer next week.

- C. The Deputy City Clerk brought to the Council's attention the upcoming 99th Annual Awards Dinner hosted by the Monterey Peninsula Chamber of Commerce to be held on Saturday, April 21, 2007 at the Hyatt Regency in Monterey. RSVP's should be in by Monday, April 9th, 2007. Mayor Pendergrass announced the Costco Grand Re-Opening to be held on Saturday, April 14th, 2007 at 9:30 a.m. He encouraged all Council Members and Staff to attend.

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 April 17, 2007. There was unanimous consensus of the City Council to adjourn at 8:24 p.m.



Connie Horca, Deputy City Clerk