

**MINUTES**  
**JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY**

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REGULAR MEETING- May 1, 2007  
CITY COUNCIL CHAMBERS  
7:00 P.M.

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Mayor Pendergrass opened the meeting at 7:01 p.m.

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  
Jim Heisinger, City Attorney  
Michael Klein, Police Chief  
Steve Matarazzo, Community Development Director  
Richard Simonitch, City Engineer  
Connie Horca, Deputy City Clerk

**AGENDA ITEM 4, COMMUNICATIONS**

- A. Written communications distributed to Council included a Powerpoint presentation handout: Introduction to the Monterey Peninsula Water Management District (Agenda item 7A), a revised contract with Ecoshore International (Agenda item 10A), TPO University Training Opportunities (Agenda item 10B), an e-mail from Judy Schimdt regarding the Monterey Peninsula College-"State of the College" invitation and a League of California Cities Legislative Action Days.

7:04 P.M. Floor Opened for Public Comment

Mr. Richard Cartell, representing Peter Blackstock commented that after reviewing the revised staff report with the options made available to the applicant, they are respectfully withdrawing the application for the conditional use permit.

7:06 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 April 17, 2007 Minutes
- B. There was no discussion of City/Redevelopment Agency Financial Report for March 2007
- C. There was no discussion of Fort Ord Reuse Authority, FORA Report, April 2007
- D. There was no discussion of City **RESOLUTION** Approving a 90-Day Time Extension of Conditional Use Permit #426 for Brad Harbor Authorizing continued operation of a concrete business as an interim use within an existing storage yard at the end for Fir Avenue
- E. There was no discussion of City **RESOLUTION** Approving a 90-Day Time Extension of Conditional Use Permit #432 for Advanced Towing Authorizing continued storage of automobiles as an interim use within an existing building at 841 Fir Avenue
- F. There was no discussion of City **RESOLUTION** Approving a 90-Day Time Extension of Conditional Use Permit #434 for Gordon Rudy Authorizing continued storage and operation of a truck rental business as an interim use at the former Waste Management transfer facility at 840 Tioga Avenue
- G. There was no discussion of City **RESOLUTION** Approving a 90-Day Time Extension of Conditional Use Permit #450 for Glass Mosaic Tile & Marble as a continuing interim use within an existing building at 1855-B East Avenue
- H. There was no discussion of City **RESOLUTION** Approving a 90-Day Time Extension of Conditional Use Permit #455 for Glass Mosaic Tile & Marble as a continuing interim use within an existing building at 840 Fir Avenue
- I. There was no discussion of City **RESOLUTION** Approving a 90-Day Time Extension of Conditional Use Permit #464 Allowing storage of windows, doors and lumber for J.K. Scanlon Inc. as an interim use at 842 Fir Avenue
- J. There was no discussion of City **RESOLUTION** Authorizing Renewal of Animal Shelter Services Agreement with the County of Monterey Health Department and Approving Amendment 4 to Agreement No. A-09687

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

## **AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR**

There were no items considered

## **AGENDA ITEM 7, PRESENTATIONS**

MPWMD Board member Judi Lehman gave an introduction and introduced the Water District Staff David Berger & Stephanie Pintar. Executive Director, David Berger, presented the Introduction to the Monterey Peninsula Water Management District. The purpose of the MPWMD is to manage, augment and protect water resources for the benefit of the community and the environment. MPWMD manages water resources such as the Carmel River, its tributaries, the Carmel Valley Alluvial Aquifer, and Seaside Groundwater Basin, with 60 water distribution systems, including California American Water. There is currently 700 active private wells. The MPWMD allocates water to each jurisdiction, but do not decide how jurisdictions choose to use their share of the supply. The MPWMD is actively involved in Water Supply Alternatives Matrix, which compiles data on seven large-scale projects to address the Peninsula's long-term water needs. Mr. Berger reported on the Seaside Basin Aquifer Storage and Recovery (ASR) test program that has been underway since 1996. In May 2006, the Monterey County Superior Court ruled on litigation about Seaside Basin water rights, and a Watermaster Board was formed by the Court to implement the Judge's final decision. MPWMD provides extensive information on landscape water savings, and is currently involved in Annual Fish Rescues of Federally Protected Steelhead, a Gravel Injection Program, Streamflow Monitoring, Carmel River Restoration Projects and Stream Channel Maintenance. The MPWMD holds special public workshops on pertinent water-related topics, participates in the review of regional water projects, and holds an annual Community Open House. Meetings are held on the 3<sup>rd</sup> Monday of each month at the District office. Agenda and meeting materials are available on the District's website: [www.mpwmd.dst.ca.us](http://www.mpwmd.dst.ca.us). In conclusion, Mr. Berger stated that the MPWMD manages, augments and protects water resources for the benefit of the community, and the environment, and continues to pursue feasible long-term water supply options with local communities and all interested parties.

## **AGENDA ITEM 8, PUBLIC HEARINGS**

***{Due to a possible conflict of interest by residing within 500' of the proposed project area, Council Members Blackwelder and Hubler abstained and stepped down from the dais}***

- A. Community Development Director, Steve Matarazzo presented **the City resolution approving the tentative subdivision map for the Design Center Project located at 600 Ortiz Avenue** ( This item was continued from the April 17, 2006 Council Meeting).The tentative subdivision map is being reconsidered to allow the developer and staff to work out details regarding

the accommodation of the future parking structure and the administration of the affordable housing requirement. Staff recommends that the future parking structure and easement issues be resolved with the amendment to condition #5(a) stating: "*the affordable rental units identified to be maintained as affordable units under the terms of the "Agreement Regarding Affordable Housing" made by and between the Sand City Redevelopment Agency and Design Center L.L.C. dated June 24, 2005, as the same may be amended from time to time shall be retained in a single ownership.*" Staff further recommends the adoption of the attached resolution approving the tentative condominium subdivision map for the Design Center

7:47 P.M. Floor Opened for Public Comment

There was no comment from the Public

7:48 P.M. Floor Closed for Public Comment

Motion to approve **City RESOLUTION approving the tentative subdivision map for The Design Center Project located at 600 Ortiz Avenue** by title, as amended was made by Council Member Carbone, seconded by Council Member Morris. AYES: Council Members Carbone, Morris, Pendergrass. NOES: None. ABSTAINED: Council Members Blackwelder and Hubler. ABSENT: None. Motion Carried.

***{Council Members Blackwelder & Hubler returned to the dais}***

B. During oral comments listed above, Richard Cartel, representing Peter Blackstock, had withdrawn the application regarding the consideration of a City **Resolution** for an application for Coastal Development Permit 07-03 and Conditional Use Permit 485 to allow storage of new and resale inventory vehicles associated with the applicant's auto dealership at 783 Redwood. No Council action was taken, nor necessary.

7:50 P.M. Floor Opened for Public Comment

There was no comment from the Public

7:51 P.M. Floor Closed for Public Comment

C. Community Development Director, Steve Matarazzo presented the **SECOND READING**: Ordinance of the City of Sand City adopting Section 18.64.050(G) of the Sand City Municipal Code adopting an amended parking standard for multi-family residential development. The proposed ordinance requires one of the required parking spaces per unit of multi-family housing in a development to be covered. Staff recommends adoption of the attached ordinance with an amendment to read in its entirety: "*Dwellings, multiple (apartments, condominiums, or other multiple family development) – one and one-half parking spaces per unit of which at least one parking space per unit shall be covered for units of zero through two bedrooms, two spaces per unit for units*

*of three or more bedrooms, of which at least one parking space per unit shall be covered."*

7:52 P.M. Floor Opened for Public Comment

There was not comment from the Public

7:53 P.M. Floor Closed for Public Comment

Motion to approve **Second Reading of Ordinance of the City of Sand City adopting Section 18.64.050(G) of the Sand City Municipal Code adopting an amended parking standard for multi-family residential development** was made by Council Member Morris, seconded by Council Member Hubler. Roll Call Vote, AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSTAIN: None. ABSENT: None. Motion Carried.

## **AGENDA ITEM 9, OLD BUSINESS**

- A. Community Development Director Steve Matarazzo presented the consideration of an application for a Highway One "Scenic Highway" status through the City of Sand City. The cities of Marina and Seaside have requested that Sand City participate in this application, designating Highway One through the three jurisdictions as a "scenic highway". Staff has been skeptical about the application due to the Coastal Commission presently reviewing most of Sand City's projects within the Highway corridor as part of the coastal zone and certified Local Coastal Plan Process. It doesn't seem advisable that another State agency, unfamiliar with Sand City's economic realities, should regulate what can and cannot be built within a highway viewshed. Ms. Nancy Hutar, the consulting planner to the cities of Marina and Seaside is requesting a directive from Sand City to include or not include Sand City in their application for a scenic highway status. Staff believes that that the corridor through Sand City already has adequate protection given the sanctions of the California Coastal Commission.

There was Council consensus that Sand City will not participate at this time in the application for the request of a scenic Highway 1 designation through Sand City.

- B. Mayor Pendergrass reported on a meeting related to issues of mutual Sand City and Seaside concern regarding the Railroad ROW and the TAMC Plan, Sand City's parking issues and the possibility of widening Tioga Avenue. City Administrator, Kelly Morgan added that he has contacted Mr. Ross concerning the grey water on his property, and the progress on the sale of the Ross property for the South of Tioga Project.

City Engineer, Richard Simonitch reported that he and Police Chief Klein, drove around Sand City to assess the condition of the streets. It was found

that two lights were damaged on Sand Dunes Drive. The estimated cost to replace these streetlights is approximately \$8,715.00. A resolution for consideration will be presented to the City Council at the next scheduled meeting. Other pending street work which needs to be considered is the repair of the street crossings over the railroad tracks along Tioga Avenue and Playa Avenues. The estimated cost for re-stripping, pavement grinding, and 3" of asphalt would be approximately \$22,000. The remaining street work within Sand City, such as Redwood Avenue, Dias & Holly are major street projects which also need to be considered. These streets could require an 8" main water line replaced before the initial street repair begins. Estimated costs will be reviewed at the next Budget Committee meeting.

In response to Council Member Morris' question regarding the cost of the water main line to be paid by Cal-Am, Mr. Simonitch replied that Cal-Am does not need the lines replaced at this time; in the interest of Sand City's growth, the City would be requesting this upgrade for future development.

Mayor Pendergrass recommended that Staff look into the possibility of reimbursement from Cal-Am on any water line upgrades.

City Administrator, Kelly Morgan commented that these estimated costs, along with the repair of the railroad crossing, will be programmed into the FY 07-08 Budget.

City Administrator Kelly Morgan reported on a meeting with the water management staff, Henrietta Stern, Andy Bell, and Dave Berger. Sand City would need to meet various standards and requirements, before any permits are issued. It was unclear whether Sand City would be directly part of the application process, and if Cal-Am will also be involved. It was uncertain if the Water Board needed approval from one or both of the Health Agencies, i.e., County Health Department and the State Department of Health Services (DHS).

Mayor Pendergrass commented on the importance of Sand City submitting the Water District application and obtaining approval, since it takes time to process, and due to the election of new water board members, the approval for the application may have to wait until the new board members are voted in. It was further suggested that the application process be a joint application with Cal-Am.

Mr. Matarazzo added that the District staff gave Sand City an application, which requires Cal-am to sign the permit if they are to be the operators of the desalination plant. The Water District is requesting an estimated cost of the desal plant and the amount of water Cal-Am would purchase.

City Attorney, Jim Heisinger commented that rules related to water distribution systems were adopted in the late 80's which may no longer apply to new and pre-standing systems.

On another topic, City Administrator Kelly Morgan reported that he was approached by a contractor from A & R Plumbing, who questioned if the washing of commercial trucks was no longer permitted in Sand City even though he has been doing it for the past 25 years. Mr. Morgan replied that Sand City adopted a new ordinance on water run off management, and as part of the restrictions outlined in the ordinance, vehicles/trucks can no longer be washed in areas where water can lead to the storm drains. It was apparent that certain businesses did not know this ordinance took effect which was related to mandatory Federal Requirements regarding water runoff.

City Engineer Richard Simonitch commented that 150 flyers were distributed to businesses in Sand City outlining the Best Management Practices (BMP) guidelines related to car washing. A staff report will be presented to the Council in the June meeting regarding Sand City adopting a BMP that fit's Sand City demographic profile along with a list of approved chemicals and products that can be used to wash cars.

## **AGENDA ITEM 10, NEW BUSINESS**

- A. Community Development Director, Steve Matarazzo presented the consideration of City **RESOLUTION** approving a service agreement with Ecoshore International for a cost of \$20,000, with the intention to assign said agreement at a future time. Staff researched the "likelihood" of other agencies funding the lion's share of the erosion control demonstration project. Staff spoke with a grants person from the Coastal Conservancy who stated that the Coastal Conservancy does not typically fund such projects. She was doubtful that the project would work, and wanted to know more about the oceanography of other parts of the world where it does work, in comparison with the conditions along Monterey Bay. In a conversation with Mr. Sterrett, the beach erosion manager from the California Department of Boating and Waterways, he stated that there would be some grant possibilities available, particularly if the State's money was matched with some money from the Marine Sanctuary. The contract outlines that Sand City will initially contribute \$10,000 upon entering into the agreement, and will pay the remainder of \$10,000 upon final installation of the PEM's system. The system would be on a one year trial period with the likelihood of AMBAG assuming the contract.

Council Member Morris asked, after the initial 1 year trial period, will the PEM's be removed, and why the City of Monterey does not participate in this beach erosion control demonstration project?

Mr. Matarazzo replied that the PEM's will be removed if no other agency wants to assume the contract. The City of Monterey was not willing to pay a company like Ecoshore to do its "research and development" for its product.

Further discussion involved the viability of the company, the patent of the product and its effectiveness in controlling beach erosion. It was concluded that if the product is really effective, the Federal Government should take a

more active role in participating to defray the cost of the demonstration project.

There was Council consensus not to proceed with the service agreement.

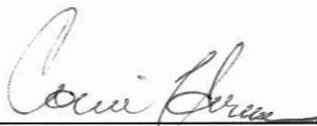
- B. City Administrator Kelly Morgan presented a City **RESOLUTION** authorizing an agreement for services with TPO Human Resources Management. TPO has the necessary experience to assist Sand City Staff with complaints, sensitive issues and other human resources/personnel management needs. TPO also offers workshops on new legislation and ensures that Sand City is in compliance with the array of Federal, State and City personnel rules and regulations that employers must follow. For an annual membership fee of \$2,250 dollars and a member consulting rate of \$150 per hour, TPO will provide more extensive personnel services or on-site visits. At an April 24<sup>th</sup> meeting with the POA Representatives, the POA is requesting another Salary Survey for the FY 2007-08 Budget Negotiations. TPO could conduct this survey for an approximate cost of \$5,500-\$7,000 depending on the number of Cities being served. Staff recommends approval of the attached resolution for a one year trial period with TPO Human Resources Management.

Motion to approve City **RESOLUTION Authorizing an Agreement for Services with TPO Human Resources Management as amended** 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.

- C. The Deputy City Clerk reviewed the upcoming events and meetings.

## **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 May 15, 2007. There was unanimous consensus of the City Council to adjourn at 9:27 p.m.



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Connie Horca, Deputy City Clerk