

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

REGULAR MEETING –July 17, 2007
CITY COUNCIL CHAMBERS
7:00 P.M.

Mayor Pendergrass opened the meeting at 7:03 p.m.

Invocation was led by Reverend Snyder

The Pledge of Allegiance was led by Chief Klein

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

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

AGENDA ITEM 4, COMMUNICATIONS

Written communications distributed to Council was a Sand City Art Committee, Publicity Report for the 6th Annual West End Celebration.

7:05 P.M. Floor Opened for Public Comment

There was no comment from the Public

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. 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 use permits:

- (1) CUP #223, San Juan Pools of Monterey (Open Storage), 756 California Avenue
 - (2) CUP #321, John Groves (Open Storage), 872 Afton Avenue
 - (3) CUP #368, Jersey's (Sandwich Shop), 832 Playa Avenue
 - (4) CUP #453, Surfwarez.com (internet sales/retail), 448 Orange Ave
- B. There was no discussion of June 19, 2007 Sand City Council Meeting Minutes
- C. There was no discussion of Police Department Report, June 2007
- D. There was no discussion of Public Works Report, June 2007
- E. There was no discussion of City/Redevelopment Agency Financial Report for May 2007
- F. There was no discussion of the 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 of Fir Avenue (APN 011-123-003 & 017)
- G. There was no discussion of the City **RESOLUTION** Approving a 90-day Time Extension of Conditional Use Permit 432 for Advance Towing Authorizing continued storage of automobiles as an interim use within an existing building at 841 Fir Avenue
- H. There was no discussion of the 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
- I. There was no discussion of the 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
- J. There was no discussion of the 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

- K. There was no discussion of the 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
- L. There was no discussion of the Radio Communications Interoperability Agreement between Participating Federal, State and Local Agencies
- M. There was no discussion of the Request for Authorization to Dispose of PW Works Vehicles (Dump Truck, Passenger Vehicle, Small Van, and Water Tank Trailer)
- N. There was no discussion of the July 4th Holiday "After Action" Report
- O. There was no discussion of the City Donations/Contributions
 - 1) Request by Seaside/Sand City Chamber of Commerce Building Renovation -\$3,000
 - 2) Monterey County Fair -\$500
 - 3) American Diabetes Association - \$300
 - 4) Tyler Tolles - \$700

Motion to approve Consent Calendar was made by Council Member Blackwelder, seconded by Council Member Hubler. 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, PRESENTATION

- A. Fire Chief Sam Mazza, of the City of Monterey-(Sand City) Fire Department presented a brief fire services update. The City of Monterey Fire Department has provided Fire Services to Sand City for over 15 years. These services include, hazardous materials relief response, fire prevention, hydrant flow systems check, emergency medical aid and disaster response. The Fire Department presently has 54 employees, and 3 fire stations with 13 full-time personnel at each fire station. They respond to approximately 4,500 calls, of which 118 have been in Sand City this last year. The Department is exploring the possibility of consolidating its services with the Cities of Carmel and Pacific Grove's Fire Department and if this is both operationally and fiscally feasible. Currently, the Fire Department is in collaboration with the Monterey Airport to upgrade the department's response time along Highway 68, and is working with Monterey County's Emergency Medical Services (EMS). Mr. Mazza, expressed his thanks to the Council for the long

standing relationship between the City of Monterey Fire Department and Sand City, and would like to continue to provide quality services to Sand City.

Mayor Pendergrass added that the Fire Department has been consistent with their services and it has been a good 15 years, arrangement.

AGENDA ITEM 8, PUBLIC HEARINGS

{Council Members Blackwelder and Hubler stepped down from the dais due to a possible conflict of interest by residing within 500' of the business location}

- A. Associate Planner Pooler presented a City **RESOLUTION**, to approve Coastal Development Permit 07-04 to allow a limited restoration and service shop for collectible and antique sports and racing automobiles at 1 John Street. The applicant desires to establish an auto shop for restoring, conserving, and servicing Ferrari automobiles, primarily historic and racing cars. Restoration projects are estimated to take between 12 to 18 months, while smaller service jobs will take about a week. The use qualifies as a "major automotive repair" due to the nature of the work, and requires ten (10) on-site parking spaces be provided. Staff recommends the permit prohibit parking of customer vehicles outside, except at the rear parking lot, and that customer vehicles be stored inside the building during non-business hours. All work needs to be performed inside the building. Since this is a specialty operation for the restoration and service of only collectible and antique sports cars, it would not generate the same volume of customers as a standard auto repair facility. Staff recommends approval per the recommended conditions for the permit.

7:15 PM Floor Opened to Public Comment

Steve Fremgen representing Coppa Bella Motors addressed the Council, requesting an addition to the language of the coastal development permit in Item 2, to include "exotic and rare" in the first sentence, and a minor change to Item 5, to read, "limited part manufacturing and alteration is allowed on-site only for those vehicles being serviced on-site..." Mr. Fremgen communicated that there would only be approximately 3 to 6 cars being worked on at any given day, and these automobiles will never be parked outside at night.

Associate Planner Pooler added that on the last sentence of condition #21 be modified to read, "The map should be recorded prior to July 17, 2008."

The applicant agreed to the changes and conditions of the permit.

7:20 PM Floor Closed to Public Comment

Motion to approve **City RESOLUTION approving Coastal Development Permit 07-04 allowing a limited restoration and service shop for Collectible and Antique Sports and Racing Automobiles at 1 John Street**

by title, was made by Council Member Carbone, seconded by Council Member Morris. AYES: Council Members Carbone, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAINED: Council Members Blackwelder and Hubler. Motion Carried.

{Council Member Hubler returned to the dais}

{Council Member Blackwelder remained off the dais due to a possible conflict of interest by residing within 500' of the business location}

- B. Associate Planner Charles Pooler presented a City **RESOLUTION** to approve Conditional Use Permit 486 for Charles Zenda, allowing a Heating & Sheet-Metal Contractor Business at 1674 Catalina Street. Mr. Zenda submitted an application for a conditional use permit to operate within a 5,400 square foot portion of a 13,000 square foot commercial building. The intended use qualifies as "service commercial" as defined by the Zoning Ordinance. Discretionary approval is required. The subject property is the former Cardinale warehouse facility that fronts Catalina Street, Shasta Avenue and Orange Avenue. Use of the facility will be for office, storage and light manufacturing activities for the production of heating ducts, joints, and other minor accessory items. There are four company vehicles, and the applicant wishes to park at this site after-business hours. This service commercial use needs eight (8) on-site parking spaces to accommodate zoning requirements. The building's setback along both Catalina Street and Shasta Avenue cannot accommodate either perpendicular or angled parking without encroaching into the street, but can provide parallel parking. The permits shall require parallel parking be striped along the Shasta Avenue building frontage while allowing unobstructed access to the roll-up doors. These need to be striped out and plainly visible. Staff also recommends that the property owner improve the fenced yard at the corner of Catalina Street and Orange Avenue with oil and screening for parking with ingress/egress facing Catalina Street. Staff recommends a five (5) year term for the permit; and following the five year term, this business can be re-evaluated by the Council based on market conditions and the level of redevelopment activity at that time. Staff recommends approval per the recommended conditions for the Permit.

7:35 PM Floor Opened to Public Comment

The applicant, Mr. Charles Zenda, commented that he has no problem with the parking spaces provided. The interior building space is larger than needed for manufacturing use. He is researching the possibility of employees taking home the company vehicles and a rollout trash dumpster that can go inside the building.

The property owner, Mr. David Spradling, added that he is agreeable in doing what is required per the City's regulations. He suggested that four more parking spaces can be accommodated on his property if the lines were striped perpendicular to the street. He asked what he would need to do to have these proposed changes approved?

Associate Planner Pooler replied that Mr. Spradling would need to apply for an encroachment permit through the City Engineer, and draw up a proposal with the proposed parking changes. Due to the sensitivity of the issue, the permit might need to be brought to the Council for authorization.

Mr. Zenda, the applicant, is in agreement with the conditions of the permit.

7:50 PM Floor Closed to Public Comment

Motion to approve **City RESOLUTION approving Conditional Use Permit 486 for Charles Zenda allowing a Heating & Sheet-Metal Contractor Business at 1674 Catalina Street** by title, was made by Council Member Hubler, seconded by Council Member Morris. AYES: Council Members Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAINED: Council Member Blackwelder. Motion Carried.

{Council Member Blackwelder returned to the dais}

- C. Associate Planner Charles Pooler presented a City **RESOLUTION** to approve Conditional Use Permit 487 for Monterey Bay Plumbing, allowing a plumbing contractor to operate at 737-A Dias Avenue. The applicant intends to use this space for office and storage activities associated with his plumbing business. There are seven employees, five of which are contractors at job sites during most operational hours; who will arrive in the morning to stock their trucks and then depart. There are five on-site parking spaces shared between the 2 commercial units and 1 residential unit of this building. The code requires two parking spaces for the applicant's use based on building square footage. On-site parking satisfies Zoning Code requirements; however staff is concerned there may not be enough actual parking to accommodate an operation with 5 more vehicles and multiple tenants within the building. Language prohibiting double parking or obstruction of street traffic should, at a minimum, be a condition of permit approval. Staff recommends the permit allow parking of company vehicles inside the building, but prohibits these vehicles from parking outside the building during non-business hours. Parking within a visually screen yard would be acceptable. The permit should contain language prohibiting loading or unloading within the Dias Avenue public right-of-way. Staff recommends that plumbing businesses be "time-controlled" due to spill over impacts, including early morning staging activities where congestion and parking problems occur. It is further recommended that this application be for a five year term which can be re-evaluated by the Council at that time. Staff recommends approval of the use permit per the recommended conditions/restrictions and would like to make one correction; to delete condition 8, where the adjacent property was thought to be under the same ownership, but it is not.

Mayor Pendergrass commented that there have been several complaints from the residents of the area, due to traffic congestion during the early morning hours.

Council Member Blackwelder agreed that the previous applicant left the premises for that very reason.

8:11 PM Floor Opened for Public Comment

The applicant, Mr. Ron Ursey, commented that he is willing to park his vehicles inside. He is requesting this permit as a more permanent lease from his present location on Tioga Avenue which is a month to month lease, due to the impending redevelopment of the area.

8:15 PM Floor closed to Public Comment

The Council further debated the issue of traffic congestion and the impact it would have on the residents of the area.

Motion to approve **City RESOLUTION approving Conditional Use Permit 487 for Monterey Bay Plumbing allowing a Plumbing Contractor to Operate at 737-A Dias Avenue** by title was made by Council Member Hubler seconded by Council Member Morris. AYES: Council Members Hubler, Morris. NOES: Council Members Blackwelder, Carbone, Pendergrass. ABSENT: None. ABSTAINED: None. Motion Failed.

The Mayor directed findings for denial of Conditional Use Permit 487 for Monterey Bay Plumbing allowing a Plumbing Contractor to Operate at 737-A Dias Avenue be brought before Council at the August 7, 2007 Council Meeting.

- D. Community Development Director Steve Matarazzo, presented the **FIRST READING** of a Zoning Ordinance Amendment to add Chapters 18.04, 18.10 and 18.12 of the Municipal Code to define and classify "Residential Care Facilities" as a permitted use in the R-2 (one-Family and Two-Family Residential) and R-3 (Multi-Family Residential) Zoning Districts. At the June 19, 2007 Council Meeting, Staff was directed to review the issues related to this public hearing, which included the notification process to cities, if any, the enforcement process should a facility cause public nuisances within a neighborhood, and whether a community can place special permits on a residential care facility in order to track the locations and number of facilities within the community.

8:18 PM Floor Opened for Public Comment

There was no comment from the Public

8:19 PM Floor Closed to Public Comment

Motion to approve **First Reading of Zoning Ordinance Amendment to add Chapters 18.04, 18.10 and 18.12 of the Municipal Code to Define and Classify "Residential Care Facilities" as a permitted use in the R-2 (One-Family and Two-Family Residential) and the R-3 (Multi-Family Residential) Zoning Districts** was made by Council Member Blackwelder, seconded by Council Member Carbone. Roll Call Vote. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSTAINED: None. ABSENT: None. Motion Carried.

AGENDA ITEM 9, OLD BUSINESS

- A. Sand City Art Committee Chair, Todd Kruper, presented a Progress Report on the status of the West End Celebration. As Mr. Kruper handed out a sample menu for the event, he reported that most of the signs are displayed, and additional advertising/announcements of the event have been mailed out. There will be seven food and beverage vendors, including Carbone's, Sweet Elena's and Ol' Factory Café. To date, there are 80 artists who are interested in displaying their art work. Two informational tents will be set up for TAMC, AMBAG, the Seaside/Sand City Chamber, and Monterey Charter School. The Art's Committee is expecting a much bigger crowd this year and is presently addressing public safety, portable toilets and risk management issues.

Mayor Pendergrass commented that he makes a regular announcement of the event during his interviews with KNRV and KWAVE Radio Broadcasting.

- B. Community Development Director, Steve Matarazzo presented the Consideration of City **RESOLUTION** to Amend the Personnel manual allowing closure of City Hall Administrative Office exclusive of the Police Department during the last week of the year between Christmas and New Year's Day. At the June 19, 2007 Council meeting the concept of closing City Hall during the holiday time between Christmas Day and New Year's Day was first introduced. There was a general Council consensus that this policy may work for Sand City, provided there was adequate notification given to the public via phone message and advance posted notice. Staff recommends the adoption of the resolution amending the Personnel Manual to allow City Hall closure during the interval between Christmas Day and New Year's Day. The new policy would read as follows: *"The administrative function of City Hall, exclusive of the Police Department, shall be closed during the working days between Christmas day and New year's day. This time interval is not recognized as a municipal holiday, nor shall it be subject to any special compensation or time-off policies of the City of Sand City. Employees are permitted to work during this time at their discretion, and with approval of their respective supervisors and Department Heads."*

Motion to approve **City RESOLUTION amending the Personnel Manual to allow closure of City Hall Administrative Office Exclusive of the Police Department during the Last Week of the Year between Christmas and New Year's Day** was made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSTAINED: None. ABSENT: None. Motion Carried unanimously.

- C. Police Chief Michael Klein presented the consideration of authorization to enter into an agreement to conduct a regional taxi study. As reported by the City Administrator, Sand City's representative to the TAMC Board, there was considerable discussion on the issue of the Regional Taxi Study at the June 27,

2007 TAMC Board Meeting. With the participation of several South County Cities, the cost of this study, would be reduced to all of the participating jurisdictions. It would be feasible for Sand City to participate in this study and Staff recommends approval of the attached MOU, which will lead to a centralized licensing and inspections of taxis for the Monterey Peninsula agencies.

City Administrator, Kelly Morgan commented that the MOU is not ready to be signed as of yet. Other Agencies are still interested in participating in the MOU. Staff will report back to the Council once a conceptual agreement has been received by all participating agencies along with a resolution.

The Council was in consensus, and directed Staff to continue participating in the Regional Taxi Study Agreement.

D. Community Development Director, Steve Matarzzo presented the Progress Report on and Review of the Sand City Water Project Implementation.

- 1) The City is required to obtain a "concurrence letter" from the U.S. Fish and Wildlife Service that states there will not be a "take" of rare and endangered species such as the Snowy Plover. On Friday June 29, City Staff met with Coastal Staff in Santa Cruz in an attempt to finalize the location and extent of the public access improvements required as part of the coastal development permit. City Staff and Council favor improvements at Bay Street (instead of Tioga), where access would be better and public safety will not be compromised. Coastal Staff liked the concept of permitting the Bay Street improvements in combination with some funding for future beach clean-up of the rip-rap near Tioga Avenue.
- 2) At the time of the EIR preparation, the Sand City Water Supply Project was described as a "stand-alone" project, requiring a disconnection from the Cal-Am system. In 2006, the City Attorney determined that Order 95-10 does not apply to this new water source because the resource from which the water will be purified is separated, perched brackish water aquifer above the Seaside Basin, an allowed exception to 95-10. The State Water Resources Control Board (SWRCB) subsequently agreed. Therefore, the Sand City desal water will not need disconnection from the existing system, and will not need an emergency connection nor large storage tanks. This also allows Sand City to continue using the current Cal-Am water supply of approximately 100 acre feet per year, and the retention of water credits. The City's next major "approval" will be from the Water District. The Water District will require an ordinance be approved recognizing the Sand City water supply as a unique situation within the District. An ordinance is currently being drafted and the Water District staff is reviewing the project engineering and environmental analysis in detail.

City Engineer, Richard Simonitch continued the progress report on the following:

- 3) The City is in negotiations with CDM Corporation of Walnut Creek. The Company is now responding to several issues raised by the City's desalination consultant, Separation Processes. There is a possibility to provide an increased

output capacity of the plant and double it's production while running during periods of low energy use and seasonally low salinity water availability. However, this would increase the contract estimate over \$700,000. By mid-August, Staff should have a more resolute recommendation. CDM's proposal was sufficient to make a good decision with regard to the cost and a final decision should be reached within the next few weeks.

- 4) Agenda items 10A and 10B were taken out of sequence due to the relation of the Sand City Water Supply Project and the preparations for construction.

10A: City Engineer Richard Simonitch presented an authorization to advertise for bids for the Redwood Avenue reconstruction and Tioga/Playa/Railroad pavement restoration project. The proposed rehabilitation of Redwood Avenue is engineered identical to the work performed last year on the "East Dunes" streets. The street section is excavated to a depth of 6", and the grindings replace and compacted to a depth of 4", and a new 2" thick overlay of asphalt is installed. This work will extend from Contra Costa Street to Holly Street. The estimate for this work is \$153,637.00. The railroad crossing on Playa and Tioga would require constructing a reinforced concrete at-grade crossing with channels along the rails to facilitate cross drainage and preserve the look of a functioning crossing per TAMC's request. The estimate for this work is \$61,492.00. Total cost for the project is estimated to be \$215,129.00. Staff recommends advertising for bids for these projects.

There was Council consensus to authorize Staff to advertise for bids for the Redwood Avenue reconstruction and Tioga/Playa/Railroad pavement restoration project.

10B: City Engineer, Richard Simonitch presented an authorization to advertise for bids for the Pipeline, Wells and the Concentrate Percolation System for the Sand City Water Supply Project. The proposed project consists of constructing all of the necessary pipelines, wells, and related appurtenances related to providing brackish feed water to the plant disposal of concentrated discharge, and the delivery of potable water to the Cal-Am water main. Other items include providing water, gas, sewer, and power service point connections for the plant. The estimate for this work is \$1,654,000. 11"x17" copies of the Construction Documents were provided as a separate handout. Staff recommends to advertise for bids for this project by the end of July, 2007.

There was Council consensus to advertise for bids for the pipeline, wells and the Concentrate Percolation System for the Sand City Water Supply Project.

- E. Community Development Director, Steve Matarazzo reported that Staff is presently working with a building inspector to confirm compliance with a section of the Building Code in relation to the Design Center Project's fire safety requirements.

City Engineer Richard Simonitch reported that a proposal from Keith Higgins was received for the annual traffic counts. This proposal would provide speed

limit studies on a number of streets within the City. The approximate costs would be \$5,000-\$6,000 dollars. A more detailed report will be presented at the next Council meeting.

Police Chief, Michael Klein added that this speed survey is an issue related to code enforcement, and is required by the court. It needs to be conducted by a court certified company.

AGENDA ITEM 10, NEW BUSINESS

- A. The authorization to advertise for bids for the Redwood Avenue reconstruction and Tioga/Playa/Railroad pavement restoration project was taken out of order and reported under Agenda Item 9D(4).
- B. The authorization to advertise for Bids for the pipeline, wells, and the concentrate percolation system for the Sand City Water Supply Project was taken out of order and reported under Agenda item 9D(4) in relation to the preparation for construction of progress report.
- C. The Deputy City Clerk brought to the Council's attention the MPCC Annual Leadership Luncheon and confirmed reservations for the event.

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Blackwelder, seconded by Council Member Morris to the next regularly scheduled meeting on August 7, 2007. There was unanimous consensus of the City Council to adjourn at 9:38 p.m.



Connie Horca, Deputy City Clerk