

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

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

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

The Mayor told the Council that Reverend Snyder would be relocating, and thanked him for his time and his commitment to Sand City.

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
Jim Heisinger, City Attorney
Steve Matarazzo, Community Development Director
Stan Kulakow, City Engineer
Michael Klein, Police Chief
Charles Pooler, Associate Planner
Linda Scholink, Director of Administrative Services

AGENDA ITEM 4, COMMUNICATIONS

The Mayor brought to everyone's attention the new lights and sound system that were completed today.

- A. Written communications distributed to the Council were a hand out from the Monterey Peninsula Chamber of Commerce highlighting the 21st Annual Business Excellence Awards. This year, Sand City has been nominated for an award.
- B. Oral

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

There were no comments.

7:04 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 the July 17, 2007 Sand City Council Meeting Minutes.
- B. There was no discussion of the Fort Ord Reuse Authority, FORA Report, July 2007.
- C. There was no discussion of the City **RESOLUTION** Denying a Conditional Use Permit for Monterey Bay Plumbing at 737-A Dias Avenue.
- D. There was no discussion of City **RESOLUTION** Recognizing August 26 through September 2, 2007 as Childhood Cancer Awareness Week.
- E. There was no discussion of City **RESOLUTION** Proclaiming September 23-September 29, 2007 as Sea Otter Awareness Week.
- F. There was no discussion of the Acceptance of League of California Cities Annual Conference Resolutions & Support of Proposed Actions.
- G. There was no discussion of the City Donations/Contributions.
 - 1) Request by Arts Habitat - \$500
 - 2) Request by Special Olympics - \$200
 - 3) Request by Seaside Rotary Golf Tournament - \$300

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

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items considered under agenda item 6.

AGENDA ITEM 7, PUBLIC HEARINGS

- A. The Community Development Director explained that this would be the second reading of the Ordinance and it is more of a housekeeping issue for compliance in updating the Housing Element next year.

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

No Comments.

7:06 P.M. Floor Closed to Public Comment

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

- B. The Associate Planner presented an application for a conditional use permit that was submitted by Bernie and Kirsten Riphenburg to establish a distribution and delivery center (merchandise storage only) at 370-A Shasta Avenue. The business showroom and sales are in Pacific Grove; and the Sand City location will be for storage and shipping. The subject property is a mixed-use building with a commercial unit and a residential garage on the lower level, and a single 3-bedroom residential dwelling on the upper level. Merchandise to be stored and shipped will be doors, windows, and cabinets. No manufacturing will occur at this location. No customers are intended for the Sand City location. Staff recommends the permit require the property owner to establish signs to signify assigned tenant parking. Staff also recommends the permit contain language prohibiting interference or blockage with the sidewalk or street by vehicles parked on site and that loading/unloading be allowed within the Shasta Avenue right-of-way, but be restricted to periods not to exceed 30 minutes per day, and not impede parking access to adjacent properties. Staff recommends approval.

7:11 P.M. Floor was Opened for Public Comment

Bernie Riphenburg, (applicant): Stated that the showroom is in Pacific Grove, the Sand City location is the distribution center and where the orders will come in and then

go out to the job site. Council Member Hubler asked some questions about the operations at this location, (compared to the Pacific Grove store). The Mayor asked the applicant if he was in agreement with the conditions, and the applicant answered yes.

7:14 P.M. Floor Closed to Public Comment

Motion to approve **City RESOLUTION Approving Conditional Use Permit 488 for Bernie and Kirsten Ripenburg of Visions Design Center Allowing a Distribution and Delivery Center at 370-A Shasta Avenue** was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Morris and Pendergrass. NOES: None ABSENT: None . ABSTAIN: None. Motion Carried.

AGENDA 8, OLD BUSINESS

- A. The Community Development Director presented the background information on the 2.3 acre coastal site that Granite Construction has offered to dedicate to the City of Sand City in an "as is" condition. He recommended approval of the resolution, and stated that the proposed site is an excellent location for public parking and future view enjoyment purposes that can be supplied by the future developer. City staff is concerned that if they don't acquire the property another local agency will, and their objectives for use (or non-use) of the property may not coincide with that of the City's. There was some concern as to the future rip rap clean up/remediation responsibilities that the Community Development Director will follow up on with the Coastal Commission.

Motion to approve the City **RESOLUTION** Approving a Service Agreement with Caprock Geology for a Fee of \$10,450 to Update the Phase II Environmental Assessment for the Granite Construction Coastal Site was made by Council Member Carbone, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Morris and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- B. The City Administrator reported to the Council that Sand City had submitted their part of the water permit application for the desalination plant to the Monterey Peninsula Water Management District. Henrietta Stern will be the lead person. The Community Development Director complimented the Associate Planner with the application and attachments he put together in the submittal of the water permit application. The Director received an email today stating that the District would expedite the review of the application. It is still a 300 acre foot plant. Sand City is currently using 94 acre feet of water annually. Some of the additional water will be purchased by Cal-Am to reduce

the pumping of the Seaside basin or the Carmel River Aquifer. The City Attorney said that conceptually they can reduce the pumping by about 200 acre feet by receiving Sand City's 300 acre feet. Cal-Am would only be able to sell the new water for hook-ups in Sand City. Cal-Am can use it to reduce water pumping in the over drafted aquifers until we need it. We could and should charge a connection fee. The Mayor stated that he would insist that it was understood, that if there is a drought, Sand City would not be subject to the drought restrictions because the desalination water source is drought-proof. The Community Development Director emphasized that time is of the essence.

- C. The Acting City Engineer stated that Richard Simonitch had prepared the bid proposal for the Design/Build Contract for the Desalination Plant Facilities with Camp Dresser & McKee (CDM) The following bids were received on June 1, 2007: CDM - \$4,485,400., J.R. Filanc Construction - \$ 8,433,492., Speciality Construction - \$ 8,390,000., Engineer's Estimate - \$4,770,000. All of the bids and supplemental information have been reviewed by Sand City Staff, City Engineer, City Attorney, and Separation Processes, the City's review consultant. They are all deemed reasonable and complete with regard to the scope of work and requested supplemental information as delineated in the Design/Build Request for Proposal. The low bidder, including the bid additive 1 (Emergency Generator) is CDM with the total lump sum amount of \$4,485,400.00. Council consensus was to instruct Staff to continue working and negotiating with the Water District for the number of acre feet to be dedicated to Cal-Am for ground water basin protection purposes. The City Administrator explained the three different options they are working on, and that once a direction and conclusion is determined, they will bring back the preferred option before the Council for approval. Scheduled for Council action tonight is an acceptance of the bid proposal with direction to staff to finalize the design/build contract for the desalination facilities. A meeting is scheduled for tomorrow morning with CDM to continue to working out questions that are still outstanding.

Motion to approve **City RESOLUTION Accepting the Bid Proposal and Directing City Staff to proceed with Finalizing the Design/Build Contract for Desalination Plant Facilities in Sand City, California to Camp Dresser & McKee, Inc. (CDM)** was made by Council Member Pendergrass, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Morris and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- D. The City Engineer explained to the Council that the plans and specs had gone out to bid for the Redwood Avenue and Rail Road crossing street improvements. The City Administrator stated that the City has submitted to the Monterey Peninsula Water Management District the water permit application and have had discussions with Cal-Am for their part of the applications. The Community Development Director is

continuing to look for additional grants for the desalination project. Council Member Hubler reported that the "City In Motion", West End Event is progressing nicely. He has donated a car that the artists are redesigning to be unveiled Friday night at the Rock Gym celebration. He stated that he thinks the event will be more successful than last year. The Chief of Police did a walk through with Todd Kruper, and they have a back up plan if the Design Center Plaza is not completed in time. The City Administrator said that the sculpture should be installed on Wednesday at 2:00 p.m., and weighs about 14,000 pounds. The City Administrator also advised the Council that for the past month, the City has been getting inquiries regarding the Prevailing Wage requirements for the Design Center project. The City Engineer also told the Council that all of the public works projects are prevailing wage projects.

AGENDA ITEM 9, NEW BUSINESS

A. Consideration of City Council Meeting for Holiday Observances

PURPOSE: It is proposed that the City Council cancel the City Council Meeting Scheduled for September 4, 2007 to minimize conflicts with the Labor Day Holiday and the League of California Cities Conference

The Mayor explained that most of the Council would be up at the League of California Cities conference in Sacramento from September 4th or 5th through the 8th, and Council Member Morris would be out of town on the 4th. Some City staff members will be in Sacramento on the 4th; therefore, Council consensus was to cancel the meeting on September 4th due to a lack of quorum able to attend.

B. The City Administrator explained that refunding the North of Playa Tax Increment bonds looked like a straight forward project at first. Some issues have come up and staff has recently learned that if we used the additional funds for the water project in conjunction with Cal-Am this may jeopardize the tax-exempt financing. Staff also found out that July 2007 was the last date to incur additional debt for the Redevelopment Agency. Staff was directed to continue to research the possibility of some financial flexibility as the City deals with difficult projects such as the desalination facility; and to continue looking into refunding the North of Playa Tax Increment bonds.

C. The City Engineer reported on the authorization to award a contract to Higgins Associates for providing a certified speed survey on various public streets in Sand City. The recommendation is to adopt the resolution, and award the contract for the certified

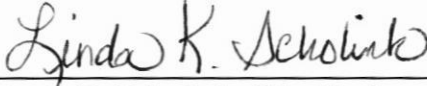
speed survey to Higgins Associates to perform the services. The proposal and scope of work is not-to-exceed \$6,000 and to provide a contingency amount of \$900. (15%) of the bid for construction change orders, and to authorize the City Administrator to sign the agreement for services.

Motion to approve the **City RESOLUTION Authorizing Award of a Contract for Certified Speed Survey on Various Public Street in the City of Sand City, California to Higgins Associates** was made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Morris and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- D. The Community Development Director explained that staff facilitated a meeting with property owners and business owners about two weeks ago to discuss and review parking and loading issues in the Redwood Avenue and John Street area. The Chief of Police handed out a packet of information showing photographs and some of the existing congestion problems. Staff is currently looking at different solutions, including an additional or alternate access into the Dr. Kay property. The City could take either a strict enforcement policy or the property owners and business owners could try to make a co-operative effort together to try and work the issues out. The majority of attendees wanted the chance to try and work out the issues themselves.
- E. The Director of Administrative Services reviewed the upcoming events and meetings, and asked for the Council's response to the August 22nd Monterey Peninsula Chamber of Commerce. She also stated that staff would continue to review the League of California City website for updated information and scheduling of the annual conference and forward any new information to the Council and City Attorney.

AGENDA ITEM 10, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Blackwelder, seconded by Council Member Hubler to the next regularly scheduled meeting on August 21, 2007. There was unanimous consensus of the City Council to adjourn at 8:56 p.m.



Linda K. Scholink, City Clerk