

MINUTES

JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – December 4, 2007
CITY COUNCIL CHAMBERS
7:00 P.M.

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

The Pledge of allegiance was led by Police Chief Michael 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
Richard Simonitch, City Engineer
Michael Klein, Police Chief
Charles Pooler, Associate Planner
Connie Horca, Deputy City Clerk

AGENDA ITEM 4, COMMUNICATIONS

There was no written communications distributed to Council.

Mayor Pendergrass commented on the job well done by the Public Works Foreman, Harvey Drone and his staff on the Christmas decorations and made mention of the tree lighting ceremony to be held on Friday, December 7, 2007

7:03 p.m. Floor opened for Public Comment

There was no comment from the Public

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 City **Resolution** Authorizing Health Benefit Changes for the 2008 Contract Year.

- B. There was no discussion of City **Resolution** Authorizing a Voluntary Financial Assessment Proration Proposal for the Seaside Groundwater Basin Watermaster Program.
- C. There was no discussion of City **Resolution** Approving a 90-Day Time Extension of Conditional Use Permit 473 for Web Commerce LLC to continue their Wholesale/Retail Operation as an interim use within an existing building at 865 Fir Avenue
- D. There was discussion of Donations/Contributions request No.3 to the Alzheimer's Association. Council Member Morris requested that the City Attorney define the rules of what constitutes a donation, and if contributing to this organization would be beneficial to the City. The City Attorney responded that the City Council determines what is a civic or municipal purpose and that "municipal" is defined as benefiting the town. City Administrator Kelly Morgan concluded that this organization is located in Mountain View and holds events in the Monterey Peninsula. Mr. Morgan referred to page 21 of the agenda packet which states: The following finding is specified in the annual City/Redevelopment Agency Budget: *"The Sand City Council finds that it is a valid public purpose and in the best interest of this small city to support and participate in various community programs and activities of the larger Monterey Peninsula area. This support includes not only the City's financial contributions outlined in the attached pages but also the active involvement/participation by council members, city staff, Sand City businesses and citizens. This is Sand City's pledge and commitment of support for the larger regional community in which it is an active and dedicated member"*.
 - 1) Request by The Monterey Public Library - \$300
 - 2) Request by Habitat for Humanity - \$500
 - 3) Request by Alzheimer's Association - \$500

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: None. Absent: None. ABSTAIN: None. Motion Carried unanimously.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled from Consent Calendar

AGENDA ITEM 7, PUBLIC HEARINGS

- A. Associate Planner Charles Pooler presented the consideration of a City resolution approving Coastal Development Permit 07-07 allowing a small Scale Hair Salon Service Business at 490 Orange Avenue. The applicant, Gregory Rivera requested authorization to establish a small scale hair salon within an 842 square foot commercial unit at the former "Boatworks"

location. There is a single building divided into three units with a chain link fence currently surrounding the site. The applicant and property owner conceived of a parking plan for the property to provide six on-site parking spaces and 2-way vehicle ingress/egress from Contra Costa Street. The applicant's use requires three on-site parking spaces per zoning requirements. The intended parking plan provides enough parking to satisfy code requirements for a 1/300 ratio for the entire building. Staff does not foresee any negative impacts and a salon business is seen as an appropriate use for a mixed-use neighborhood. The site has adequate on-site water credit for the proposed hair salon with 1 station. Staff recommends approval of the coastal development permit.

7:13 p.m. Floor opened for Public Comment

The applicant Gregory Rivera commented that he would like to amend the use permit to extend the hours of operation to 9:00 p.m. since most of his clientele work during the day and are only available for evening appointments. Mr. Rivera was in agreement with the rest of the conditions of the permit.

Council Member Hubler added that because it is located in a mixed-use neighborhood, the primary concern would be the level of noise for residents who live in the area.

The property owner, Mr. Dan Clark addressed the council in favor of Mr. Rivera's hair salon and added that he would like to develop a nice building on his property some time in the future.

7:15 p.m. Floor closed to Public Comment

Motion to approve City **Resolution** approving Coastal Development Permit 07-07 allowing a small scale Hair Salon Service Business at 490 Orange Avenue with condition #4 changed to extend the hours of operation to 9:00 p.m. was made by Council Member Carbone, seconded by Council Member Blackwelder. AYES: Council Member Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- B. Community Development Director Steve Matarazzo presented the Second Reading of City ORDINANCE:1) containing a description of the Redevelopment Agency of Sand City's Program to acquire real property by Eminent Domain in the Redevelopment Project Area; and 2) requiring that a notice be recorded describing the Redevelopment Project Area and the Redevelopment Plan's policies and procedures for using eminent domain in response to Senate Bill 53 and Senate Bill 1809. The attached ordinance summarizes the City's procedures for eminent domain, which has been a large issue at the state legislative level. Staff recommends approval of the attached ordinance.

7:19 p.m. Floor opened for Public Comment

There was no comment from the Public

7:20 p.m. Floor closed to Public Comment

Motion to approve second reading of City **Ordinance** containing a description of the Redevelopment Agency of Sand City's Program to acquire real property by Eminent Domain in the Redevelopment Project Area and requiring a notice be recorded describing the Redevelopment Project Area and the Redevelopment Plan's policies and procedures for using eminent domain in response to Senate Bill 53 and Senate Bill 1809 was made by Council Member Blackwelder, seconded by Council Member Hubler. Roll Call Vote, AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

AGENDA ITEM 8, OLD BUSINESS

- A. City Engineer Richard Simonitch reported that the ice plants at the well head location of the desalination plant on Bay Street has been sprayed with Round-up and a biologist has been out in the area to collect the legless lizards. Staff has been in contact with the contractor for the feed water and may consider rebidding this portion of the desalination plant project because the contractor's bid was still \$400,000 over the City Engineer's estimate. An experienced drilling contractor was recommended by Mr. Martin Feeny for the discharge injection well portion of the desalination project. This company is currently drilling in another part of the country and Staff would like to negotiate with this contractor who seems very interested in Sand City's project. The watershed survey has been mailed out to Ms. Jan Swaggart and will be submitted to Sand City's Planning Director for his review. There has been a lot of positive steps taken for the start of the desalination plant project.

Community Development Director Steve Matarazzo reported that at the Coastal Commission Meeting scheduled for December 10, Sand City's coastal development project will be recommended as an immaterial amendment since it no longer a stand alone project. Staff is hopeful that the Coastal Commission will find the desalination plant project as such and will return with a report after the meeting.

City Administrator Kelly Morgan reported on the second reading of Sand City's proposed ordinance for the water project. Staff has received a new version of the ordinance from the water board attorney which was carefully reviewed and approved by City Staff, and will be included in the water district staff report at their next meeting.

Mayor Pendergrass commented that the next official meeting of the water district board will be his last meeting of the year as chair of the water board.

AGENDA ITEM 9, NEW BUSINESS

- A. There was unanimous consent of the Council to cancel the January 1, 2008 City Council Meeting to minimize conflict with the New Year's Day Holiday.
- B. Community Development Director Steve Matarazzo presented the consideration of a City Resolution approving funding of \$5,000 for the establishment of a Regional Venture Capital Fund endorsed by the Association of Monterey Bay Area Governments (AMBAG) and the Fort Ord Reuse Authority (FORA). Executive Director Nick Papadakis of the Association of Monterey Bay Area Governments (AMBAG) has requested Sand City's participation in a regional venture fund to serve the Monterey Bay Area. The Economic Development Administration (EDA) grant "preliminary approval" would match local funds contributed for this purpose. AMBAG's Executive Director, estimates that up to \$4 million in private sector funding can be leveraged from this proposed program. This program would require at least ten agencies to participate. Mr. Matarazzo referred to the enclosed attachments. Staff recommends the Council adopt the attached resolution committing \$5,000 over the next two fiscal years to assist the Regional Venture Capital Fund sponsored by AMBAG.

City Attorney Jim Heisinger suggested that AMBAG make a presentation to the City Council in regard to the Regional Venture Fund.

There was Council consensus to continue City **Resolution** approving funding of \$5,000 for the establishment of a Regional Venture Capital Fund endorsed by the Association of Monterey Bay Area Governments (AMBAG) and the Fort Ord Reuse Authority (FORA) to the January 15, 2008 City Council meeting.

- C. Chief Michael Klein presented the consideration of a City Resolution approving a contract with "Lexipol" to develop a new Standard Operating Procedures Manual for the Sand City Police Department. Lexipol, LLC is a company who is qualified to develop a Standard Operating Procedures Manual for Sand City and is supported by the City's insurance agency. The current manual is out of date and is need of revisions and updates. Lexipol's manual will also deal with issues related to police procedures which may be found in the federal and state courts. Lexipol is charging \$4,950.00 based on the number of police officers in Sand City's Police Department. This fee covers the cost of manual development, including any and all additions or changes in policy that the City may see fit during this one-year period. If the City chooses to maintain Lexipol's services for continual update and open access, each subsequent year's annual cost will be \$1,950.00. Staff recommends approval of the attached resolution approving a contract with Lexipol, LLC.

City Attorney Jim Heisinger expressed his support for the request of the development of a new Standard Operating Procedures Manual for the Sand

City Police Department due to the extensive amount of staff time it would require to update and revise the current manual.

Community Development Director Steve Matarazzo added that Lexipol's president gave a presentation at the monthly meeting of the Monterey Bay Area Self Insurance Agency and has proven that they are well qualified by their research and their desire to limit City liability.

Motion to approve the City **Resolution** approving a contract with "Lexipol" to develop a new Standard Operating Procedures Manual for the Sand City Police Department 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.

D. The Deputy City Clerk brought to the Councils attention the upcoming meeting and events.

AGENDA ITEM 10, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Blackwelder, seconded by Council Member Carbone, to the next regularly scheduled City Council meeting on December 18, 2007, 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:05 p.m.



Connie Horca, Deputy City Clerk