

MINUTES

JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

CITY COUNCIL CHAMBERS
REGULAR MEETING-March 7, 2006
7:00 p.m.

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

Invocation was led by Reverend Snyder

The pledge of allegiance was led by Police Chief Klein

Present: Council Member, Jerry Blackwelder
Vice Mayor, Mary Ann Cabone
Council Member, Craig Hubler
Council Member, Michael Morris
Mayor David Pendergrass

Staff: Kelly Morgan, City Administrator
Michael Klein, Police Chief
Steve Matarazzo, Community Development Director
Jim Heisinger, City Attorney
Stan Kulakow, City Engineer
Charles Pooler, Associate Planner
Connie Horca, Deputy City Clerk

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 Council's 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 Council included Item 5E Revised City Resolution Authorizing a Contract with Griffin's Maintenance, Agenda Item 8B Status Report on Phase II Storm Water Program-Letter from Fred Meurer, Agenda Item 9C Upcoming Events/Meetings-Monterey Peninsula Chamber of Commerce 98th Annual Awards Dinner, Mike Armstrong Event.

- B. City Administrator Kelly Morgan, summarized the minor changes to Frank Griffins Contract as recommended by the City Attorney

The floor was opened to Public comment at 7:08 p.m.

Ruth Ann Krotzr, a member of the Public distributed an invitation to the Annual Benefit for Monterey Schools benefit luncheon featuring Miss California 2005, *Dustin-Leigh Konzelman*. This event will be held on Sunday, June 11, 2006 at the Embassy Suites, Seaside at 1:00 p.m.

Floor closed to Public comment at 7:11 p.m.

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 February 21, 2006 Council Meeting Minutes
- B. There was no discussion of City/Redevelopment Agency Financial Report, January 2006
- C. There was no discussion of City/Redevelopment Agency Treasury Report, December 2005
- D. There was no discussion of City RESOLUTION Authorizing an Extension of the Banking Services Agreement with Community Bank of the Central California
- E. There was no further discussion of City RESOLUTION Authorizing a Contract with Griffin's Maintenance Service for Public Works Maintenance Services
- F. There was no discussion of City Donations/Contributions request by Seaside Pony Baseball for \$500.
- G. There was no discussion of City RESOLUTION Authorizing a Contract Amendment with Zander Associates for an additional \$10,000 for Western Snowy Plover Surveys for the 2006 Nesting Season
- H. There was no discussion of City RESOLUTION Designating the Month of March as "Women's History Month"

Motion to approve Consent Calendar was made by Council Member Blackwelder, seconded by Council Member Morris. AYES: Council Members Blackwelder,

Carbone, Pendergrass, Hubler, Morris. NOES: None. ABSTAINED: None. Motion Carried.

6. CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

No items were pulled from Consent Calendar

7. PUBLIC HEARINGS

{Council Members Blackwelder and Hubler stepped down from the dais due to the 500' rule}

- A. Community Development Director, Steve Matarazzo presented City RESOLUTION Approving Conditional Use Permit 472 for a Restaurant and Coffee House at 1725 Contra Costa Street (continued Public Hearing from February 21, 2006). The applicant and property owner were directed to seek a lease arrangement within the vicinity of the proposed coffee house to satisfy the need for additional parking requirements of the proposed business. The proposed use permit has been modified in regard to the hours of operation, noise, odor control and live music. It is recommended to continue the hearing for approval of the use permit until sufficient parking can be obtained and the applicant has agreed to the conditions of the use permit.

Mayor Pendergrass suggested that there should be adequate notice, at least a 30-45 day notice, when the lease agreement for parking would expire.

Council member Morris suggested a parking agreement, so the City would have sufficient notice of expiration of the parking arrangements affecting the continuation of the use permit.

City Attorney, Jim Heisinger modified the condition #1 of the use permit to strike out the second to the last sentence and change the last sentence to read: *Failure to initiate the use within two years from the time this permit is approved shall automatically terminate permit approval.*

7:22 P.M. Floor opened to Public Comment

Morgan Christopher, applicant, reported that he is pursuing parking availability. The question he directed to Council regarded the hours of operation. He is willing to change the hours to accommodate the parking availability with some form of agreement with the City for the use of the parking spaces.

Further discussion involved employees parking several blocks away from the proposed business site, and the possibility of the applicant leasing parking spaces from neighboring property owners after 5:00 p.m.

Agenda item will be considered for further discussion after agenda item 7C so applicant may have time to review the conditions of the permit.

7:35 P.M. Floor closed to Public comment

{Council Members Blackwelder and Hubler returned to the dais}

- B. Associate Planner Pooler presented City RESOLUTION Approving Conditional Use Permit 474 Allowing Rooter King Inc. to Operate at 360-B Shasta Avenue. Chris Wilson, the applicant, plans to operate a plumbing business within a portion of the commercial building located at 360 Shasta Avenue, Unit B. There is one company vehicle and there will be no shipment or deliveries at this location. The site provides five regulation sized parking spaces. The applicant's service commercial use requires a minimum of two parking spaces that can be accommodated on the site. There will be no on-site manufacturing as part of this use, and on-site water credit is adequate.

7:39 P.M. Floor opened to Public comment.

Mr. Chris Wilson, the applicant, agreed to the conditions of the permit.

7:40 P.M. Floor closed to Public comment.

Motion to approve **City RESOLUTION Approving Conditional Use Permit 474 Allowing Rooter King Inc. to Operate at 360-B Shasta Avenue** by title was made by Council Member Carbone, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAINED: None. Motion Carried.

- C. Associate Planner Pooler presented City RESOLUTION Approving Conditional Use Permit 473 for Allowing Web Commerce LLC (D.B.A. Norwaysports.com) to operate as an interim temporary use at 865 Fir Avenue. The subject property is located within the South of Tioga Redevelopment Project Area. The applicant is proposing a distribution business of sports related equipment and apparel, whereby transactions are conducted through the Internet and a small fraction of their business to be through on-site retail activity. There is adequate on-site parking. Staff does not anticipate this type of business to generate any potential negative impacts. Shipping and receiving will be from small-scale mail/package delivery services that should have minimal impact on Fir Avenue.

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

Jaime Perez, business owner, introduced himself and his business partners to the City Council stating that he looks forward to doing business in Sand City. The only condition he would like to address is the time frame in terms of the lease.

Mr. Briant, representing the property owner, addressed the time frame for the redevelopment of the South of Tioga area. It seems that an 18 month use permit would be advisable, since a 30 day notice from the City would make it difficult for property owners within this development area to further lease their properties to potential tenants. As a business man with good standing in Sand City, Mr. Briant appealed to the Council to strike out the 30 day termination clause and allow the lease for a period of eighteen months.

Pat Kelly, DBO Development Company, stated that DBO has no problem with the one-year time frame and understands the 30-day time extension after the one-year period. At present, DBO has hired an architectural firm to redesign the project to include more of a mixed housing and commercial plan. It is anticipated that if things continue to progress on schedule, construction should begin at this time next year.

Mayor Pendergrass, commented that without an actual application, construction timing of the project is still unknown.

Pete Erickson, BT Commercial, remarked that one year is just not enough time for a business that is going to spend money on a lease to have a 30-day notice. There are quite a few buildings within the same area that would be difficult to lease due to the conditions of the use permit.

7:58 P.M. Floor closed to Public comment

The Community Development Director suggested that condition #3 of permit be modified to read: Conditional Use Permit 473 shall automatically expire within 18 months of its approval, subject to potential 90-day time extensions at the discretion of City Council. If the use authorized by Conditional Use Permit 473 violates any term, condition, or requirement of said Permit, a public hearing may be scheduled by the City to consider revocation of permit.

Motion to approve **City RESOLUTION Approving Conditional Use Permit 473 for Allowing Web Commerce LLC (D.B.A. Norwaysports.com) to Operate as an interim temporary use at 865 Fir Avenue by title**, as recommended and amended by Community Development Director, was made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None ABSENT: None. ABSTAINED: None. Motion Carried.

City Council to re-consider Agenda Item 7A

8:05 P.M.

Mr. Morgan Christopher, referred to condition #6, the sentence which reads: Said lease shall be in a form approved by and acceptable to the City Attorney. Stating that he would like that to be clarified along with Condition #14 referring to Pro-Rata Share of Future Street Improvements.

Community Development Director, Steve Matarazzo clarified that in condition #14 the property owner shall pay the pro-rata share of future street improvements. Mr. Cort has three property frontages. In August of 2004, the deferred street improvement instrument was dissolved by the Council. The property owner will pay his/her portion of future street improvements along the property frontage. The City Engineer will give an estimated cost of street improvements which the property owner shall pay.

Mayor Pendergrass suggested that the Resolution be approved as amended, or continue the application until the parking requirements are satisfied.

8:22 P.M. Floor closed to Public comment.

It was agreed by Council consensus to continue public hearing of City RESOLUTION Approving Conditional Use Permit 472 for a Restaurant and Coffee House at 1725 Contra Costa Street to the March 21, 2006 Council meeting.

Mayor Pendergrass refreshed the Council's memory, and reminded them that a Parking Committee should be established. This committee could consist of 1 or 2 Council Members, 1 or 2 business owners, and 2 or 3 property owners. The function of the committee would be to review the parking solutions within the City, to find vacant parcels which could be possible lots for the use of parking. It was agreed to move this issue for further discussion to the April 18, 2006 Council meeting.

8. OLD BUSINESS

- A. Community Development Director, Steve Matarazzo reported the status of the Code Enforcement Work Program. There is presently a six-month work program for items involving the code enforcement and any beautification.

Chief Michael Klein reported that a total of twenty-four cars have been towed away. One resident, who is not in compliance with the vehicle code has a large motor home parked in front of her house with no way to move it. She is well advanced in age, with a limited capacity to understand. The option to impound the vehicle would cost approximately \$100 ± per day. This will pose some financial hardship for most of our residents. There have been several attempts to contact her nearest relative, but unfortunately he is not interested in assisting her at this time. This particular motor home is consequently the only problem in terms of vehicle abatement within Sand City.

Mayor Pendergrass suggested that the Police Department continue to work with her and her family to find a viable solution to this issue and the Council agreed.

- B. City Engineer, Stan Kulakow presented the status report on the Phase II Storm Water Program and the State Water Resources Control Board requirements. Sand City is required to participate in Phase II because it is part of the Monterey

Peninsula, qualifying with a population growth of 70% from 1990-2000. There are essentially six elements in the Phase II Program, which include public education, public participation, illicit discharge detection and elimination, construction site storm water runoff control, post construction storm water management and pollution prevention. Sand City has the option of going alone or participating with other Peninsula cities. Due to the six elements required for the Phase II program, specifically the education requirements, we have chosen the Monterey Group. Sand City's annual membership in the Monterey Group was \$2,231 for FY 04-05, and is budgeted up to \$8,000 for FY 05-06. In addition to the Phase II Plan, there is a continuing annual maintenance fee for the storm water percolation system in Playa Avenue, and street sweeping which are \$10,000 and \$24,000 respectively.

- C. City Administrator, Kelly Morgan presented the preliminary review of West End District Vacant Parcels and Railroad Right of Way (ROW). The planning department has prepared a map of the vacant parcels in the Sand City West End area. This map also shows certain parcels that are under-developed or marginally developed. The City Engineer has sent a letter to TAMC with a proposal to develop the west side of the railroad right of way (ROW) for a strip of 70 parking spaces. Underdeveloped parcels that would hold a two tier parking garage would be the property located between Redwood and Ortiz Avenues. There are several other vacant parcels that would provide off street parking, and this should be further discussed with the Parking Committee for potential City purchase.

9. NEW BUSINESS

- A. City Engineer, Stan Kulakow reported that the City Hall rear parking lot is close to completion. The landscaping and striping are still incomplete.

Community Development Director, Steve Matarazzo, reported that all of the King Ventures Project contracts have been returned and signed. There has been no communication from the Coastal Commission in regard to the Bike Trail Lights.

- B. Consideration of City Council Members Participation in AB 1234 Ethics Training was presented by City Attorney, Jim Heisinger. In January 2006, new State laws requires bi-annual ethics training for local elected officials. In the attachment, you will note the date and time of the most current ethics training available within the area that will be held on March 22, 2006.
- C. The Deputy City Clerk brought to the council's attention upcoming meetings and events. It was confirmed by council consensus that the Annual Sand City Bar-B-Que will be held on Saturday, May 20th, 2006 from 12:00-2:00 p.m.

10. CLOSED SESSION

- A. It was determined that the City Council did not need to adjourn to Closed Session to confer with legal counsel regarding existing litigation pursuant to §54956.9(a) of the Ralph M. Brown Act, CalAm Water v. Seaside, Sand City et al
- B. Closed Session was not held.

11. ADJOURNMENT

Motion to adjourn was made by Council member Carbone, seconded by Council Member Blackwelder to the next regularly scheduled council meeting on March 21, 2006. There was unanimous consensus of the City Council to adjourn at 9:43 p.m.



Connie Horca, Deputy City Clerk