

**MINUTES**  
**JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY**  
**City Council Chambers**  
**Regular Meeting – March 21, 2006**  
**7:00 PM**

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Mayor Pendergrass opened the meeting at 7:07 p.m.

Reverend Snyder led the invocation.

Girl Scout Troop # 2006 with Scout Leader Lucinda Lipori led the Pledge of Allegiance

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

Absent: Council Member Carbone

Staff: Kelly Morgan, City Administrator  
Steve Matarazzo, Community Development Director  
J. Michael Klein, Police Chief  
Jim Heisinger, City Attorney  
Stan Kulakow, City Engineer  
Linda Scholink, City Clerk  
Richard Simonitch, Associate City Engineer

**AGENDA ITEM 4, COMMUNICATIONS**

- A. Written communication distributed to the City Council this evening included a Public Works Activity Report for the month of February 2006.

7:15 p.m. The floor was opened for Public Comment

There was Council consensus to add Urgency Item 7B to Consider the Recent Flooding on Redwood Avenue–John Street, and Ortiz Avenue in Sand City.

**Dan Cort (Property Owner)** asked the Council to explain the procedure for continuing item 7A, due to the absence of Council Member Carbone and lack of a quorum for this item. The City Attorney explained that this would be discussed under item 7A.

Mayor Pendergrass presented Scout Leader Lucinda Lipori and her troop a Proclamation recognizing the Girl Scouts of America, Troop # 2006.

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7:22 p.m. The floor was 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.
- (1) CUP #194, Mrs. Morrow (Mobile Home), 445 Orange Avenue
  - (2) CUP #295, David Wilson (Open Storage), Park & Fell Streets  
This item was pulled by Council member Morris
  - (3) CUP #389, Loren Speck/Loren Speck Framing & Gilding Studio (Framing), 591 Ortiz Avenue
  - (4) CUP #390, Brad Klemek/GFI Pest Control (Office/Storage), 605 Redwood Avenue
  - (5) CUP #410, Sand City Public Works (mobile office trailer), Sylvan Park
  - (6) CUP #415, Jose Rosa (Radio Station), 495 Elder Avenue
  - (7) CUP #427, Knox Roofing (Office/Showroom/Storage), 414 Orange Avenue
  - (8) CDP #97-02, Sal Lucido & David Hernandez/D&S Painting (Contractor Warehouse and 2 Apartment Units), 460 Orange Ave
- B. The City Clerk addressed typo's on the March 7, 2006 Council Meeting Minutes
- B. There was no discussion of the Monthly Police Department Report, February 2006
- C. There was no discussion of the Monthly City/Redevelopment Agency Financial Report, February 2006
- D. There was no discussion of **City RESOLUTION Recognizing April 2-8, 2006 as the Week of the Young Child****

- E. There was no discussion of the Monthly Fort Ord Reuse Authority (FORA) Report, March 2006
- G. There was no discussion on the Approval of City Donations/Contributions
  - 1. Suicide Prevention Service of the Central Coast for \$500.00
  - 2. Seaside High School for \$200.00

Council Member Morris had some questions on CUP # 295 and then requested that agenda item A-2 be pulled and put on the next regular Council agenda, (April 4, 2006) with the conditions of the permit included in the agenda packet.

Motion to approve Consent Calendar Items A1, A3, A4, A5, A6, A7, B, C, D, E, F G1 & G2 was made by Council Member Morris, seconded by Council Member Blackwelder. AYES: Council members Blackwelder, Hubler, Morris and Pendergrass. NOES: None. ABSENT: Council member Carbone. ABSTAIN: None. Motion Carried.

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

No items.

#### **AGENDA ITEM 7, PUBLIC HEARINGS**

The Mayor explained with the absence of Council member Carbone and two Council members with possible conflicts, this item would have to be continued.

- A. **City RESOLUTION Approving Conditional Use Permit 472 for a Restaurant and Coffee House at 1725 Contra Costa Street (continued Public Hearing from March 7, 2006)**

*{Due to lack of a voting quorum this item was continued by the Council to a Special Meeting to be held March 28, 2006 at 6:30}*

- B. Consideration of Flooding Situation that Occurred on March 20, 2006 around 12:00 noon on Redwood-John Street and Ortiz Avenue in Sand City.

7:28 PM The Floor was Opened for Public Comment

**Ken Larkin, (Business Owner):** addressed the Council, explaining he realizes the Council is working on the flooding problem, but the recent fix is not working. He asked how is it going to be monitored from day to day? Yesterday the overflow valve failed to work and the water came into my business. Monterey Peninsula Engineering was on the scene working at the time, which allowed them to work quickly. Had they not been there, what would have happened?

7:40 PM Floor closed to Public Comment

The Mayor explained that he had personally visited the site today and Sand City Staff has spoken with the responsible party, City of Seaside staff.

The Police Chief presented a slide presentation showing the site and the new equipment that was supposed to fix the problem. The visuals showed that the sand had blocked the valve opening and therefore the valve was unable to open and release the water

The City Administrator explained that this Storm Water back up and the subsequent flooding occurred in less than 20 minutes. He explained that he has spoken with the City Manager of Seaside and they are going to schedule a meeting as soon as possible to review the situation and see what the best course of action to take is.

Richard Simonitch, Associate City Engineer, elaborated on the project's engineering and provided information regarding the company "Tideflex", who was the supplier of the new flapper valve equipment. Tideflex is designed to open with as little as 1" of water, withstand up to 50 feet of backpressure and the turbulent waters of high tides, seasonal storms and flash floods, and close tightly around debris to avoid reverse flow. According to its manufacturer, Tideflex is the only valve that can be buried in sand and continue to operate. It is possible that this could have been a faulty valve from the manufacturer.

It was suggested that staff try and contact the company and have a company representative attend the meeting with the Cities of Seaside and Sand City to review the problem, and try to reach a solution.

## **AGENDA ITEM 8, OLD BUSINESS**

- A. The Community Development Director presented the "Parking Encroachment" Report and Consideration of Budget Item for Fiscal Year 2006-2007 as part of the Continuing Work Program related to Code Enforcement and City Beautification. Until additional parking is provided along the rail right-of-way or elsewhere in the West End, it is recommended that the Council continue to allow encroachments as shown in Exhibit A. He suggested that road segment redesign for more perpendicular on site parking should be considered. He told the Council that this planning process would give staff a chance to deal with property owners regarding the 'easement swap" concept envisioned in the 2004 Plan, and then determine the feasibility of implementation for the entire plan. Estimated cost of the project is \$75,000 - \$ 100,000, and at Budget time would be brought back to the Council for further consideration.

The City Administrator stated that he felt the City should continue doing what

it is doing now for encroachment and include funding in next year's budget for parking study and design development on redesigning the streets. The Council was in consensus with this approach.

- C. The City Administrator explained to the Council that Sand City (along with the other cities in Monterey County) are required to submit a response to the 2005 Grand Jury Report section titled "Open Government". The Carmel City Attorney prepared a careful response. In addition to that response the City Administrator recommended that we call attention to the pamphlet prepared by the Institute for Local Government with the title "Getting the Most Out of Public Hearings: Ideas to Improve Public Involvement". There was Council consensus to endorse the Carmel response and reference the recommended pamphlet.

### **AGENDA ITEM 9, NEW BUSINESS**

- A. The City Engineer reported that he had received 4 proposals on the water project; one of those proposals was dropped, and there would be interviews on April 3<sup>rd</sup> with a committee to include the City Administrator, Community Development Director, City Engineer, and Council member Hubler. He also reported that he has received quotes from three striping companies, for striping around the City that will cost approximately \$7,000.00. The Seal coating of the streets needs to be done in warmer weather. That probably won't take place until the summer and in next year's budget. He suggested that next year's budget includes money for seal coating Phase I, which would include Catalina, Contra Costa, Orange and possibly Tioga.

The Community Development Director stated that he believes Mediterraneo Imports and Orosco have worked out a deal or are very close to working out the sale of the property. He also told the Council that he has a meeting on Thursday with David Powers on the King Ventures EIR and a meeting scheduled with Ed Ghandour. The Grant application for the desal project is due on Friday. Next week he meets with the Coastal Commission regarding the development of the thirteen condo's on the small site on Tioga, the East side of Highway One.

The City Administrator reported that he had a short meeting with some real estate agents representing Home Depot and the small parcel of land they own in Sand City that they would like to sell. They were referred to DBO Development to begin negotiations

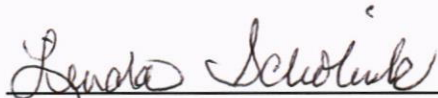
- B. Upcoming Events/Meetings  
There was a reminder of the Ethics training on Wednesday, March 22, 2006 for the Council.

### **AGENDA ITEM 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.

**AGENDA ITEM 11, ADJOURNMENT**

Motion to adjourn was made by Council Member Hubler, seconded by Council Member Blackwelder to the Special City Council meeting scheduled on March 28, 2006, 6:30 p.m. There was unanimous consensus of the Council to adjourn at 8:45 p.m.



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Linda Scholink, City Clerk