

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting-April 4, 2006
7:00 p.m.

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

Reverend Snyder led the invocation.

Pledge of Allegiance was led by Police Chief Michael Klein

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

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

AGENDA ITEM 4, COMMUNICATIONS

A. Written communication distributed to the City Council this evening included a Garage/Parking Space Lease Agreement, Agenda Item 7A and an updated list of the Sand City Arts Committee and Design Review Committee Members with approval of appointments on Consent Calendar.

7:04 p.m. The floor was opened for Public Comment

There was no comment from the Public.

7:05 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. There was no discussion of March 21, 2006 Council Meeting Minutes

- B. There was no discussion of March 28, 2006 Special Council Meeting Minutes
- C. There was no discussion of **City RESOLUTION Declaring May 2006 as Clean Air Month in the Monterey Bay Region**
- D. There was no discussion of **City RESOLUTION Recognizing Outstanding Public Service by Mr. Roy Hubbard for his service on the Design Review Committee and his devotion to the design quality of the Community.**
- E. There was no discussion of confirmation of Appointments to City Advisory Committees
- F. There was no discussion of Conference Report "Building Livable, Sustainable Communities: Multiplying the Benefits of Smart Growth"

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.

6. CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

No items.

7. PUBLIC HEARINGS

7:06 p.m. {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 (Note: This item was continued from the March 28, 2006 Special Council Meeting). The primary concern was in regard to item number 6 of the conditional use permit, which required 10 additional parking spaces within 300 feet of the proposed use, a parking lease agreement was provided for Council's review. A special finding was added to the conditional use permit in reference to the parking lease, giving the business a better opportunity to grow in the interim. Staff believes that parking is essential to the surrounding areas in the West End. On street parking is not limited to the café only, but also serves the surrounding businesses.

Council Member Morris asked if the lessor were to cancel the lease agreement for the additional parking space, would that void the lease agreement?

City Attorney, Jim Heisinger answered that if the lessor cancelled the lease agreement and the applicant was unable to secure like number of spaces somewhere else, then the applicant would be in violation of the conditions of the use permit.

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

Morgan Christopher, applicant had no comment, requesting additional time to respond to any further issues the Council may have.

7:17 p.m. Floor closed to Public Comment

Further discussion involved adequate water for the proposed number of seats, and the classification of the business as a restaurant or café. Will the business continue to operate within the water district requirements, since Sand City does not have the capacity to provide additional water, should the business wish to expand its seating. Mr. Christopher added that there is no need to approach the Water District for additional water at this time, since his seating will be limited to thirty-six which is acceptable with appropriate turnover.

Motion to approve **City RESOLUTION Approving Conditional Use Permit 472 as Amended Regarding Signing for Paving 4 Spaces in Front for a Restaurant and Coffee House at 1725 Contra Costa Street, with a special finding and by title** was made by Council Member Morris, seconded by Council Member Carbone. AYES: Council Members Carbone, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder and Hubler. Motion Carried.

- B. Associate Planner, Charles Pooler presented City RESOLUTION Approving Coastal Development Permit 06-05 Allowing Randall Swanson to Operate an Art Wholesale Gallery at 1 John Street Unit B. The applicant intends to use the commercial unit for the marketing of fine art reproductions. There will be a showroom/gallery viewable to patrons by appointment only. There will also be an accessory office and storage area. Prints to be sold will be displayed, stored, and shipped. The applicant also proposes evening events with attendees by invitation only. Staff recommends limiting these events to no more than once per month with a closing time of 11:00 p.m. The daytime gallery use is not anticipated to generate impacts and on-site water credit is adequate to facilitate the proposed use. Staff recommends approval of the coastal development permit.

7:37 p.m. Floor opened to Public Comment

Randall Swanson, applicant, is in agreement with the conditions of the permit.

7:40 p.m. Floor closed to Public Comment

Council Member Morris voiced his concern regarding the parking during the evening events. Would the Council consider reviewing this permit should parking pose a problem?

Mayor Pendergrass, replied that most permits are reviewed once a year.

Motion to approve **City RESOLUTION Approving Coastal Development Permit 06-05 Allowing Randall Swanson to Operate an Art Wholesale Gallery at 1 John Street Unit B by title** was made by Mayor Pendergrass, seconded by Council Member Carbone. AYES: Council Members, Carbone, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder and Hubler. Motion Carried.

7:41 p.m. *{Council Members Blackwelder and Hubler returned to the dais}*

AGENDA ITEM 8, OLD BUSINESS

7:42 p.m. *{Council member Carbone stepped down from the dais due to the 500' rule}*

- A. Associate Planner Pooler presented CUP #295, David Wilson (Open Storage), Park & Fell Streets (Note: This item was continued from the March 7, 2006 Regular Council Meeting). This permit was transferred to Mr. Wilson in 1988, from the original permittee. The fence presently contains wood slats, and the use of the property is in compliance with the use permit's conditions. The Council's consent would continue the use of the permit.

Council Member Morris, asked Mr. Wilson if he would be willing to slat the entrance gate and leave a couple of one foot windows so the police could look in the storage yard.

Mr. Wilson replied that he would be in agreement to what the Chief of Police would like. He is willing to do what needs to be done to remain in compliance with the permit and the council's request.

Police Chief, Michael Klein commented, it would be ideal to have a transparent view of the storage yard, making it easier to view inside as the officer's drive by. If it were to remain open, it should be visible enough so the officers on duty may view the yard from their vehicles.

Motion to accept CUP #295 and the existing land use and site conditions as being compliant with the permit, and directing the property owner to slat the gate, and allowing the continued use of the storage yard at the corner of Fell Street and Park Avenue was made by Council Member Morris, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Member Carbone. Motion Carried.

7:53 p.m. *{Council Member Carbone returned to the dais}*

AGENDA ITEM 9, NEW BUSINESS

7:54 P.M. *{Council Members Blackwelder and Hubler stepped down from the dais}*

- A. Community Development Director, Steve Matarazzo presented City RESOLUTION Authorizing Building Permit Related Fee Reductions for "The Design Center" Mixed Use Development on Ortiz Avenue. Mr. Saroyan requested some permit fee relief for the proposed Design Center project. California provides for permit fee relief to projects that provide affordable housing opportunities. Staff is recommending a \$27, 720.80 fee reduction for this project, with a breakdown of these fee reductions explained in the staff report.

7:59 p.m. Floor opened to Public Comment

Mr. Al Saroyan, developer, commented on behalf of the development team, that whatever support the City can provide is very much appreciated. It is a small percentage of the total amount of fees that needs to be paid, and he realizes that these fees are not under the total control of Sand City. He is hopeful other agencies will also consider reducing permit fees to ease the burden of almost \$400,000 in cumulative fees. Construction on the foundation was planned to begin several weeks ago, but the weather has not cooperated. Once the steel arrives, it is estimated to take five weeks before the building is constructed.

8:04 p.m. Floor closed to Public Comment

Motion to approve **City RESOLUTION Authorizing Building Permit Related Fee Reductions for "The Design Center" Mixed Use Development on Ortiz Avenue by title** was made by Council Member Morris, seconded by Council Member Carbone. AYES: Council Members Carbone, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder and Hubler. Motion Carried.

- B. Stan Kulakow, City Engineer reported that interviews were held for the desalination project consultants. There were three consultants interviewed, and we are waiting fee proposals from two of these consultants. Once these fee proposals are submitted, the interview team will meet to review the proposals and submit these proposals for Council's approval. The desalination plant will be concentrated on the Campos Property as far as the design of the desal facility. Bids have been received for the stripping work for the new parking lot behind City Hall. It will not begin for several weeks due to the rain.
- C. The Deputy City Clerk brought to the council's attention upcoming meetings and events.

AGENDA ITEM 10, CLOSED SESSION

- 8:13 p.m. The City Council adjourned 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.

8:53 p.m. Readjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with §54957.1 of the Ralph M. Brown Act.

There was no action taken.

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn was made by Council Member Blackwelder, seconded by Council member Morris to the next regularly scheduled Council meeting on April 18, 2006. There was unanimous consensus of the City Council to adjourn at 8:55 p.m.



Connie Horca, Deputy City Clerk