

MINUTES FOR THE JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

CITY COUNCIL CHAMBERS REGULAR MEETING August 15, 2006 7:00 P.M.

Mayor Pendergrass opened the meeting at 7:05 p.m.

Invocation was led by Reverend Snyder

Police Chief Klein led the Pledge of Allegiance

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

Staff: Kelly Morgan, City Administrator
J. Michael Klein, Police Chief
Richard Simonitch, City Engineer
Linda Scholink, City Clerk
Charles Pooler, Associate Planner
Sidney Morris, Acting City Attorney

AGENDA ITEM 4, COMMUNICATIONS

- A. Written communications distributed to the Council included revised July 18, 2006 Minutes, (Item 5B) and a revised page 3 of the Terms and Conditions an attachment to the Property Bureau resolution, (Item 5F)
- B. Oral Communications

7:08 P.M. Floor Opened for Public Comment

There were no public comments. The Mayor requested a correction in the July 18, 2006 City Council minutes.

7:08 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. 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 #257, Precision Porsche (Auto Repair), 475-A Olympia Avenue
 - (2) CUP #345, James Obara (Mobile Home), 770 Tioga Avenue
 - (3) CUP #370, Economy Cleaners (Dry Cleaners), 840 Playa Avenue
 - (4) CUP #378, Carmel Glass Company (Glass Contractor), 613-B Ortiz Ave.
 - (5) CUP #388, Sanctuary Rock Gym (Recreation), 1855-A East Avenue
 - (6) CUP #396, McDonald's Restaurant (Fast Food), 990 Playa Avenue
- B. The Mayor requested a correction of the July 18, 2006 Minutes
- C. There was no discussion of August 1, 2006 Minutes
- D. There was no discussion of the Police Department Report, July 2006
- E. There was no discussion of the Public Works Department Report, July 2006
- F. There were small corrections to the Company's name and to Section 11 of the agreement by the City Attorney. City **RESOLUTION** authorizing renewal of a service agreement with Property Bureau D.B.A. Propertyroom.com to dispose of surplus City and evidence room property
- G. There was no discussion of City **RESOLUTION** authorizing renewal of an agreement for police backup services between the City of Seaside and the City of Sand City

Motion to Approve the Consent Calendar was made by Council Member Morris, seconded by Council Member Hubler. 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 to consider.

AGENDA ITEM 7, PUBLIC HEARINGS

- A. Associate Planner Pooler presented the FIRST READING: Ordinance of the City of Sand City Amending Title 13, Section 13.04.70 and Title 18, Section 18.64.020 of the Municipal Code to Require Visual-Screening of all Trash/Recyclable Receptacles and allowing a Minor parking Reduction for the Same, Respectively.

7:25 P. M. Floor was Open to Public Comment

There was no public comment and the floor was closed

The Council expressed concern with the draft ordinance's applicability to residents, and felt that residents should not have to build enclosures. There was a consensus that the ordinance address commercial uses only, but enforcement would be problematic with mixed-use properties. The City does not have an adequate code enforcement or citation process in place. New projects have been required to provide enclosures as part of the Planning Department review process. There was some debate between continuing a voluntary compliance policy or implementing an ordinance that required compliance. The item was continued indefinitely, pending an adequate review of the ordinance to address those concerns made and to be brought back to the Council at a future meeting/public hearing.

AGENDA ITEM 8, OLD BUSINESS

- A. The City Administrator explained to the Council that feedback and questions from the previous Council meeting, regarding the "No Smoking" policy, was incorporated into this draft Ordinance that was before the Council tonight.

7:29 P.M. Floor was Open to Public Comment

Michelle House (County of Monterey): Stated that she was pleased with the Ordinance and asked for verification of the \$25.00 fine. The Council agreed to the \$25.00 fine, and the Mayor thanked Michelle for all her hard work in helping to get this passed before she left the area.

7:34 P.M. Floor was Closed to Public Comment

The Council discussed the wording on the signs and agreed to "No Smoking Beyond This Point". The Police Chief will oversee the placement of the signs.

Motion to approve the **First Reading of the Ordinance of the City of Sand City Adding Chapter 9.27 to the Sand City Municipal Code Prohibiting Smoking On Beaches, and Certain Public Rights-of-Way** was made by Council Member Pendergrass and 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.

Michelle House presented the City with a Plaque and distributed several items to the City Council.

{Council Members Carbone and Morris stepped down from the dais due to a possible conflict of interest due to living within 500' of the proposed project}

- B. The City Administrator explained that this item was continued from the previous Council meeting. Council Member Blackwelder said that his number one priority is not to buy more property, but to spend that money on fixing up the City. There was Council consensus not to continue the research on buying the 3 abutting properties within the East dunes area (APN 011-131-005, 026 & 027; Block 7, Lots 36, 38 & 40)

{Council Members Carbone and Morris returned to the dais}

- C. Richard Simonitch reported that the Don Chapin contract for the East Dunes street work has been signed, and they are expecting to complete the street work by September 8, 2006. The bids on the first phase of the cape seal project are due September 8th, and then that project will begin. The City Administrator reported that the Coastal Commission granted an extension for the Bike Trail lights to the December Coastal Commission meeting.

Richard and Kelly gave a short outline of the meeting on the Rail ROW with TAMC, MST and Seaside.

AGENDA ITEM 9, NEW BUSINESS

- A. The City Administrator presented the **City RESOLUTION Authorizing a City Engineering Service Agreement with Creegan and D'Angelo**. He reviewed the agreement, the scope of work, and the fee schedule with the Council. Council Member Morris questioned the rate for court appearances, and Richard responded that he would look into it. Council Member Hubler asked that the wording, "hourly rates" be added to the fee schedule, although it is assumed they are hourly rates, it should be stated on page 82.

Richard Simonitch spoke to the Council about his background including that he has worked for Creegan and D'Angelo for over nine years and over twenty years in the engineering field. Most of his work has been in the private sector, but he is looking forward to working with the City for the next 20-30 years.

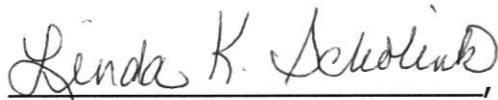
Motion to Approve the City Resolution was made by Council Member Blackwelder and seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Morris and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- B. This item was continued due to the Coastal Commission hearing being postponed to a later date. **RESOLUTION Authorizing Contract Services with Zander and Associates and McCabe & Company regarding Retention of Bike Trail Lights**

- C. The Council reviewed the upcoming DBO tour next week and the League of California Cities conference in September.

AGENDA ITEM 10, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Blackwelder, seconded by Council Member Morris to the next regularly scheduled Council meeting on September 19, 2006. The regularly scheduled meeting on September 5, 2006 was cancelled at a previous Council meeting due to the holiday schedule and the League conference. There was unanimous consensus of the City Council to adjourn the meeting at 8:20 p.m.



Linda K. Scholink, City Clerk