

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

CITY COUNCIL CHAMBERS
REGULAR MEETING, NOVEMBER 21, 2006
7:00 P.M.

Mayor Pendergrass opened the meeting at: 7:01 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
 Steve Matarazzo, Community Development Director
 Sydney Morris, Associate City Attorney
 Richard Simonitch, City Engineer
 Connie Horca, Deputy City Clerk
 Charles Pooler, Associate Planner

AGENDA ITEM 4, COMMUNITICATIONS

- A. Written communications distributed to the Council was a memorandum regarding the withdrawal of application for Dan Clark, Agenda Item 7B, and
- B. Oral Communications

7:05 P.M. Floor opened to Public Comment.

Pete Ericksen, Real Estate Broker addressed the Council concerning a house he would like to build on Scott Street. Is the City going to establish a process for getting some water from the pending desal project? He asked how does the process work, and will he be able to receive adequate water?

7:06 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 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 #328, Granite Rock Company (Truck Repair Shop), California Avenue (1755 Del Monte Blvd., Seaside)
 - (2) CUP #440, Don Varner Design (Design Studio), 440-B Ortiz Avenue
 - (3) CDP #02-06, Clive Tollady (Art Studio), 1-C John Street
- B. There was no discussion of the October 17, 2006 Minutes
- C. There was no discussion of the Monthly Police Department Report, October 2006
- D. There was no discussion of the Monthly Public Works Department Report, October 2006
- E. There was no discussion of the City/Redevelopment Agency Financial Reports, September 2006
- F. There was no discussion of approval of the **City RESOLUTION** Honoring Doris M. Jones on her retirement from 20 Years of Public Service to Monterey County
- G. There was no discussion of City Contributions/Donations
 - 1. Monterey County AIDS Project - \$300
 - 2. American Diabetes Association - \$300

Motion to approve Consent Calendar 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.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items.

AGENDA ITEM 7, PUBLIC HEARINGS

- A. Associate Planner, Charles Pooler presented a City RESOLUTION

recommending approval of Conditional Use Permit 478 allowing a Manicure/Pedicure Beauty Salon at 824 Playa Avenue in the Sand Dollar Shopping Center. The applicant, Kim Ho submitted an application to establish a nail and skin care salon in the Sand Dollar Shopping Center. The site is approximately 1700 square feet, offering manicures, pedicures, skin treatment and other beauty treatments such as hand and foot massages, tanning, waxing, and paraffin treatments. There will be eight pedicure chairs, six manicure stations, (1) room for facials, (2) rooms for tanning, and (1) room for employees. Parking is provided within the Sand Dollar Shopping Center. The use will be subject to the regulations of the Monterey County Health Department with operational cleanliness and implementation of regulations essential. On-site water credit is adequate to accommodate the proposed use, and staff does not anticipate this operation to pose a nuisance. Staff recommends approval of the conditional use permit.

Council Member Hubler asked if health permits have to be issued before the business opens?

Associate Planner, Pooler answered that the Health Department will take care of issuing the permit after the proper inspections have been made.

7:10 P.M. Floor Opened to Public Comment

Mayor Pendergrass asked the applicants if they were in agreement with the conditions of the permit.

Kim Ho, the applicant, responded that they were in agreement with the conditions of the permit.

7:11 P.M. Floor Closed to Public Comment

Motion to adopt **City RESOLUTION** Approving Conditional Use Permit 478 Allowing a Manicure/Pedicure Beauty Salon at 824 Playa Avenue in the Sand Dollar Shopping Center was made by Council Member Carbone, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None.

- B. Associate Planner Charles Pooler, presented City RESOLUTION recommending denial of an application to amend Site Plan Permit 05-06 and Design Permit 05-07 for Dan Clark to Modify the Site Plan Design of the mixed-use development project at 448 Orange Avenue (Note: continued from October 17, 2006). Per the written communications distributed earlier this agenda item has been withdrawn by the applicant, Dan Clark. No public hearing or presentation is necessary as Mr. Clark can still proceed with his project as originally approved in December of 2005.

There was no Council action taken.

AGENDA ITEM 8, OLD BUSINESS

- A. Community Development Director, Steve Matarazzo presented a Status Report on Gianna's Bakery Zoning Violation/Use Permit Amendment Request located at 613-C Ortiz Avenue. A letter has been sent to Gianna's regarding the use of their parking area to store outside refrigeration units and the unsightly condition of its appearance. Staff also found that Gianna's had expanded into a portion of the building that was not a subject of the original use permit. Staff will recommend that the permit be extended for a maximum term of 6 months, with requirements to clean-up and enhance the property, and the correction of pavement conditions adjacent to their storage unit on Sylvan Way, across from City Hall. This six month period will allow Gianna's to find a more suitable location for their operation.

Council Member Carbone asked what the original amount of square footage was used by Gianna's and what is presently being used.

Community Development Director Steve Matarazzo, replied that they are currently leasing 5,000 square feet. According to Pete Erickson, they need 15,000 square feet to adequately store their refrigeration units and other equipment within their building.

Council Member Blackwelder commented that the City consider a month to month use permit instead of a six month permit. Gianna's needs to show that they are in the process of looking for a more suitable location with adequate room to continue their business operation.

Mayor Pendergrass further commented that the bakery is in violation of their current permit, the Council needs to decide on a deadline and/or future date to allow Gianna's enough time to find another location. Gianna's will be notified that this will be on the December 5, Council meeting agenda.

7:21 p.m. Floor Opened to Public Comment

Pete Ericksen, a Real Estate Broker, commented that this is a complicated problem, since Gianna's has such a large inventory to move, along with employees. The process would take approximately another year. They do need some time, 15-20 "relocations" properties have been looked at in the surrounding area.

Council Member Blackwelder stated that if six months will not work, will we be looking at another year. Gianna's was notified several months ago that they needed to find another location.

Pete Ericksen replied that if Gianna's were to find an existing building, it would take approximately six months alone to move the existing equipment. If the building is under construction, it would take another year to completely relocate the business.

Mayor Pendergrass concluded that this agenda item will be further discussed at the December 5, 2006 Council meeting.

- B. Assistant City Engineer, Richard Simonitch reported that the "public access" design proposal for the desalination plant has been submitted. The Coastal Commission reviewed the Bay Street access, which was rejected. They would like the design to be modified so the access is placed at Tioga Avenue.

Community Development Director, Steve Matarazzo, reported on his conversation with Steve Monowitz today. Mr. Monowitz's final answer was that the condition of the desal permit was that Bay St. was not a comparable access, and the Tioga Access would be more feasible. To put a stairway on Tioga would cost \$100K. It was recommended to revise the language of the permit. The amendment would go to the Coastal Commission as a minor amendment at their March 2007 meeting or to an earlier date prior to that meeting, and Sand City would need to ask for an extension of the permit.

Mayor Pendergrass commented that Sand City should pursue the Tioga alternative, and continue to keep our permit active.

Council Member Morris asked where would the steps be located?

City Administrator Kelly Morgan replied that the steps would have to be a self supporting structure which needs to be studied and a design presented.

Mary Ann Carbone asked if it is privately owned property?

Community Development Director Steve Matarazzo, answered that parts of the property are privately owned. Sand City would need to check alternatives to the beach regarding access permits. On December 13, 2006 there will be a California Coastal Commission meeting in San Francisco regarding the present Bike Trail Lights. Sand City's biologist is working on a report on the existing lights with no present biological impact. At the next scheduled Council meeting a status report and presentation of the Coastal Development Permit, Sand Dunes Drive Bike Lights will be reviewed.

Mayor Pendergrass would like staff to make contact with Kent Turner CalAm's new president to keep him updated on the progress of the Sand City water project.

AGENDA ITEM 9, NEW BUSINESS

{7:40 p.m. Council members Blackwelder and Hubler stepped down from the dais due to a possible conflict of interest from residing within 500' feet of the Twining Labs field office. Mr. Hubler has a lease within 500" of the Twining office}

- A. Community Development Director Steve Matarazzo presented a City RESOLUTION authorizing a contract with Twining Labs at a cost not to exceed \$2,000 to prepare a Phase I Environmental Assessment on the property known as the Granite Construction Coastal Site. This resolution would initiate a small contract for environmental assessment and continue further negotiation with Granite Construction. Granite Construction has offered to donate a 2.3 acre site to Sand City, provided that the City acquires a "clean closure" of the property from the County Environmental Health Department. The County needs to review a Phase I and Phase II environmental assessment on the subject property, in which they did find some hydrocarbons on the site. King Ventures currently plans to use the property for a public viewing area and overflow parking lot. If the City wishes to acquire the property, the site could be used for City parking purposes. Staff recommends approval of the attached resolution with the intent that the City proceed with accepting future donation of the site provided that the cost of property clean-up will be minor.

Council Member Morris asked if Sand City takes ownership of the property, is the City responsible for the rip-rap on the beach, and will some agency require Sand City to clean up the beach, and will this be a liability to the City?

City Administrator Kelly Morgan replied that if the Sand City Redevelopment Agency were to take ownership of the site and cleaning the rip-rap off the property. A clean closure agreement should release Sand City from any liability.

Council Member Morris referred to page 93 #2 of the resolution to include the language that would state whether Sand City would accept or deny the property dependant upon the rip-rap being removed and that the cost would not be a substantial amount. Mr. Morris also asked about statement #2 on page 92 that indicated that "all documents shall remain the property of Twining".

City Administrator Kelly Morgan pointed out page 88 #6 of the agenda packet that the Twining Labs proposal letter states that "an evaluation of the data obtained to assess the presence of recognized environmental conditions in connection with the Site" should include the rip-rap on the property and any hazardous materials found thereafter careful analyses of the environmental condition. The City gets the benefit of the evaluation and not necessarily the base data.

Community Development Director Steve Matarazzo suggested amending the resolution to *include "Soil remediation expenses and possible costs related to coastal rip-rap removal will be reviewed by the City Council at a future date, prior to the City's acceptance or rejection of the land donation"*.

Motion to approve **City RESOLUTION** Authorizing a Contract with Twining Labs at a cost not to exceed \$2,000 to Prepare a Phase I Environmental Assessment on the

Property Known as the Granite Construction Coastal Site, as amended, by title was made by Council member Pendergrass, seconded by Council member Morris. AYES: Council members Carbone, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council members Blackwelder and Hubler. Motion Carried.

{7:52 p.m. Council Members Black welder & Hubler returned to the dais.}

- B. Community Development Director, Steve Matarazzo presented a status report regarding a sidewalk encroachment issue at the Corner of Ortiz and Contra Costa by A&R Plumbing. At the last Council meeting, some residents complained about the parking encroachment of this building and other parts of the West End. A twenty foot setback would allow for the loading and unloading times. The other condition was on Contra Costa. The tree planter was demolished and the issue rectified. A temporary solution would be issuing tickets for the trucks that are blocking parts of the street. Since the repaving of Contra Costa, t-stripes can be used to designate parking spaces. A long term solution would be to redesign the street as recommended in the 2004 West End Plan.

Mayor Pendergrass asked if it would be feasible to have the trucks parked so there is adequate access to pedestrians and the trucks are not in the way of sidewalk accessibility?

8:02 P.M. Floor Opened to Public Comment.

Owner of A&R Plumbing Mr. Roper, commented that he purchased the property across the street to give employees adequate parking, and he is willing to work with Sand City to ensure parking and sidewalk accessibility. There is a need for Contra Costa to be striped for parallel on-street parking. Mr. Roper suggested that the trucks can be moved to the lot across the street so employees can park along Ortiz. There is also the possibility that a few of the employees take some of the trucks home.

It was generally agreed that Mr. Roper would work with the City to address these issues.

8:06 P.M. Floor Closed to Public Comment.

- C. Community Development Director Steve Matarazzo presented the review of Significant Tree Ordinance Regulations (Chapter 16.12 of the Municipal Code) related to nuisances caused by trees at 419 Shasta Avenue, Applicator Systems, Inc. The planning staff was contacted by the office manager of Applicator Systems with complaints, which was investigated. The investigation revealed that there was evidence of sap on the parking area and a large group of unruly crows living in the tree. The tree ordinance (Chapter 16.12 of the Municipal Code) requires a permit prior to the removal of any significant tree. Staff requests that the Council assist in the determination of any tree removal permit. It is further suggested that Sand City require a tree

replacement that would not cause a sap problem and in a location and ultimate height that will not allow nut and rock debris from birds that may be injurious to cars and other property, in placement of the existing tree.

After reviewing the attached photos of the subject property, Council member Hubler stated that it would seem that a tree of this size would cost a great deal of funds to cut down.


Council Member Blackwelder commented that the owner be contacted and see if he is agreeable to having the tree cut down. The owner needs to be notified of the existing issue.

Mayor Pendergrass requested that the Council agree for Staff to further investigate this issue, notify the property owner, and advise what further action needs to be taken.

- D. The Deputy City Clerk, Connie Horca brought to the Council's attention the upcoming events and meetings. Council responded with their reservations for the Doris Jones retirement celebration and the local elected official's mixer to be held at the Monterey Conference Center.

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 December 5, 2006. There was unanimous consensus of the City Council to adjourn the meeting at 8:25 p.m.



Connie Horca, Deputy City Clerk