

**MINUTES**  
**JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY**  
**City Council Chambers**  
**Regular Meeting-MAY 17, 2005**  
**7:00 PM**

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Mayor Pendergrass opened the meeting at 7:03 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 Carbone  
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

**AGENDA ITEM 4, COMMUNICATIONS:**

- A. Additional written communication distributed to the Council this evening included two articles from the Monterey County Herald May 15<sup>th</sup> 2005 issue titled: "Residents protest water rate proposal" and "At What Costs to Ratepayers?"
- B. The floor was opened at 7:06 p.m. There were no comments from the public. Mayor David Pendergrass referred to the Herald article on approval of Sand City Desal Plant.

**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 Councilmember may request that any item be placed on the Regular Agenda for separate consideration.

- A. There was no discussion of the April 26, 2005 Special Meeting Minutes.

- B. There was no discussion of the Monthly Police Department Report, April 2005
- C. There was no discussion of the City/Redevelopment Agency Financial Report for April 2005.
- D. There was no discussion of City **RESOLUTION Reserving a 0.065 Acre-Foot Water Credit to the Target Store for an Expansion of their Retail Facility at 2040 California Avenue in Sand City.**

Motion to approve Consent Calendar was made by Council member Blackwelder, seconded by Council member Carbone. AYES: Council members Blackwelder, Carbone, Pendergrass, Hubler, and Morris. NOES: None. ABSENT: None. ABSTAINED: None. Motion Carried.

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

There were no items pulled from the consent calendar.

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

*{ Council Member s Blackwelder and Hubler stepped down due to the 500 foot rule }*

- A. Associate Planner, Charles Pooler presented the City **Resolution approving Conditional Use Permit 459 Allowing a Television and Radio Monitoring Station at 495 Elder Avenue.** The application was submitted by Variance Corporation to establish a television and radio monitoring station within an existing commercial building at 495 Elder Avenue. The applicant's company works with advertisers and agencies and is currently seeking to establish coverage in the Monterey area. The television and radio receivers will be remotely controlled from the applicant's southern California corporate center. There will be no employees, except maintenance and repairs. The existing parking is adequate and no water allocation is necessary. The proposed use is not anticipated to generate any impact to the surrounding area. Council member Morris expressed his concern in regard to radio, television and cell phone interference and suggests that we should revise in condition #9 to include that "This operation shall not generate any radio, television or cell phone interference, excessive amounts of noise, vibration....."

7:13 p.m. Floor opened to Public Comment

There was no comment from the Public. Mayor welcomed a student from CSUMB in the audience.

7:14 p.m. Floor closed to Public comment.

Motion to approve City **Resolution Approving Conditional Use Permit 459 Allowing a Television and Radio Monitoring Station at 495 Elder Ave** as amended to include language recommended by Council member Morris, was made by Council member Mary Ann Carbone, seconded by Council member Morris. AYES: Council members Pendergrass, Carbone and Morris. NOES: None. ABSENT: None ABSTAINED: Council members Blackwelder and Hubler. Motion Carried.

- B. Community Development Director, Steve Matarazzo presented the City **RESOLUTION Approving Sale located at 625 Elder Avenue of the Robinette Property by the Redevelopment Agency**. Mr. Matarazzo summarized the report outlining the terms of this property sale. This property is being sold through a DDA with the Redevelopment Agency which has extensive conditions to it; including who pays, how much, what the subsidy is, what the Agency is providing and what the subsidy is being used for. In this case, five additional low to moderate income housing units. The attached resolution will include another finding to read: *a mitigated negative declaration was previously adopted by the Redevelopment Agency as lead agency for the project, finding no significant impact on the environment*. City Administrator, Kelly Morgan brought to the attention of the Council that the property has a water credit of 4.19 acre feet for this project and, as part of this sale, another 1.0 acre foot of water has been allocated. City Attorney, Jim Heisinger mentioned that the DDA has already been approved by the Agency, and that this is a separate action required by State law.

7:18 p.m Floor opened to Public Comment.

No comment from the floor.

7:19 p.m Floor closed to Public Comment.

Motion to adopt City **Resolution Approving the Sale of the "Robinette Property" Through a Disposition and Development Agreement (DDA) between the Redevelopment Agency and the Design Center, LLC.**, with the additional finding was made by Council member Morris, seconded by Mary Ann Carbone. AYES: Council members Pendergrass, Carbone and Morris. NOES: None. ABSTAIN: Council members Blackwelder and Hubler. Motioned Carried.

**{ Council Members Blackwelder and Hubler returned to the dias }**

## AGENDA ITEM 8, OLD BUSINESS:

- A. Council Member Morris and Mayor David Pendergrass had a meeting with MST. Both agreed to move forward with repainting and re-doing the bus shelters in reference to the City **Resolution Authorizing Agreement Between City of Sand City and Monterey-Salinas Transit Regarding Transit Service and Shelters**. Council member Morris mentioned that MST will be maintaining the shelters daily. City Administrator, Kelly Morgan commented that the bus stops located on Playa Avenue are in need of repair and paint. Part of this agreement would require Sand City to split the cost to refurbish and paint those shelters. The shelters would have to be completely taken apart to be repainted. The work should give the shelters life for another five to ten years. Chief of Police, Michael Klein mentioned that the structures are in fine shape, but subsurface paint primer was never applied to the shelters, which is why they need to be repainted. City Administrator, Kelly Morgan stated that the agreement will begin with the fiscal year 2005-06, and a portion of Sand City's LTF funds will be allocated to the MST service agreement plus the \$25,000 annual fee. Sand City will be spending approximately \$7,000 for up grading the shelters(which is a one time cost).

Motion to approve City **Resolution Authorizing Agreement Between City of Sand City and Monterey-Salinas Transit Regarding Transit Service and Shelters** was made by Council member Mary Ann Carbone, seconded by Council member Hubler. AYES: Council members Blackwelder, Carbone, Hubler, Morris and Pendergrass. NOES: None. ABSTAIN: None. Motioned Carried.

- B. Mayor David Pendergrass made mention to the City Bar-B-Que and Sand City's 45<sup>th</sup> Year Anniversary.

City Engineer, Stan Kulakow reported that the work on the City Hall Plaza is almost complete. The landscaping needs some minor work. In regard to the Bike Trail lighting, two lights were repaired. The application for grant funds with CalTrans has been filed, and the application is now in Sacramento, being processed for payment. Mr. Kulakow, introduced Richard Simonitch who will be working with Sand City while he is on vacation. Reference was made to the EIR on the Bike Trail Lighting, which may need a Coastal Commission permit for the lights. Council member Morris made mention of the lights located north of Tioga Avenue, which seem to be too bright, and suggested that every other light be turned off. City Engineer, Stan Kulakow will look into the lighting and re-evaluate the lights.

Community Development Director, Steve Matarazzo reported on the Sand City Water Project, which received a unanimous approval from the Coastal Commission. The State Department of Health Services permit is still being processed. Permits are still needed from Monterey County Health Department and the Water Management District. Negotiations with Cal-Am are in process. A permit is still needed from the Regional Water Quality Control Board. The City has two years to obtain these permits while we have approval from the Coastal Commission. Stan Kulakow mentioned the construction period for the portion of the project on the west side of the freeway, near Tioga and Vista Del Mar, can only occur during the Plover non-nesting season. That portion of the project should be timed appropriately or it may be delayed for another year.

City Administrator, Kelly Morgan commented that the Cal-Am meeting is scheduled for next week, and that they are to come prepared for serious discussions. On the financing, the City may have to raise the financing ourselves, or if we get involved with a developer/operator, it might be joint financing. Several phone calls were received from interested parties. Mike Armstrong of Marina Coast Water District said that they would be very interested in working with the City if Cal-Am negotiations did not work out. Council Member Morris raised a question about pipes running across Seaside. According to Mike Armstrong, they have the right to run utilities and lines anywhere the district deems it necessary within the former Fort Ord. Information was also received from Robert Garrett on the Salary Survey today.

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

- A. Consideration of Rezoning of the Edgewater and Sand Dollar Shopping Centers to Regional Commercial/Planned Unit Development (C-4/PUD).

This item was tabled. Based on zoning interpretation, Community Development Director, Steve Matarazzo will continue to monitor tenant uses on both sites, Edgewater and Sand Dollar, as long as their cumulative totals 1 parking space for every 250 square feet of retail use is based on available total parking in both of the shopping centers, it should be deemed adequate per the zoning ordinance. This item can be handled at staff level.

- B. The City Administrator summarized the memo in the agenda packet requesting Council's feedback on fire protection service arrangements. The Council was unanimous in directing Staff to continue negotiations with the City of Monterey for fire protection services. The Council agreed to two proposed changes to the draft service agreement. The revised agreement will be scheduled at a future Council meeting.

- C. The Deputy City Clerk, Connie Horca, informed the Council of the October 6-8, 2005 League of California Cities Convention. Confirmation on who is attending needs to be made no later than Friday May 27, 2005. Registration will begin on June 1, 2005.

**AGENDA ITEM 10, CLOSED SESSION**

- A. It was determined 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 (1 case) - CalAm Water v. Seaside, Sand City et al.
- B. Closed session was not held.

**AGENDA ITEM 10, ADJOURNMENT**

- A. Motion to adjourn was made by Council member Blackwelder, seconded by Council member Morris to the next regularly scheduled Council meeting on June 7, 2005. There was unanimous consensus of the City Council to adjourn at 8:02 p.m.



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Connie Horca, Deputy City Clerk