

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting-July 19, 2005
7:00 PM

Mayor Pendergrass opened the meeting at 7:02 p.m.

Police Chief Klein led the Pledge of Allegiance.

Present: Council Member, Jerry Blackwelder
Vice Mayor, Mary Ann Carbone, (arrived 7:05 p.m.)
Council Member, Craig Hubler
Council Member, Michael Morris
Mayor Pendergrass

Staff: Kelly Morgan, City Administrator
Michael Klein, Police Chief
Steve Matarazzo, Community Development Director
Jim Heisinger, City Attorney
Stan Kulakow, City Engineer
Linda Scholink, City Clerk
Charles Pooler, Associate Planner

AGENDA ITEM4, COMMUNICATIONS:

- A. There were no additional written communications.

7:04 p.m. The floor was opened and closed for Public Comment. The Mayor requested that agenda item 9 A be heard before the consent calendar.

AGENDA ITEM 9, PROGRESS REPORT ON WEST END EVENT

- A. Diedre Bascou introduced Mary Earner as a great addition to the Arts Committee, and updated the Council on the upcoming West End Event. There were postcards and posters handed out to the Council and audience. The Art Committee received donations towards the event. The event will be from 2-7 p.m. on Saturday, August 13th. A Friday night event will be by invitation only. The website has been updated, and this year's event has been stepped up a notch. The Mayor expressed his appreciation to the Arts committee.

Items 5D and 5M were pulled from the consent calendar due to possible conflicts of interest.

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 #223, San Juan Pools of Monterey (Open Storage), 756 California Avenue
 - (2) CUP #321, John Groves (Open Storage), 872 Afton Avenue
 - (3) CUP #367, Sand Dollar Art & Framing Center (Art & Framing Shop), 824 Playa Avenue
 - (4) CUP #368, Jersey's (Sandwich Shop), 832 Playa Avenue
 - (5) CUP #452 Miller Associates Concrete (office/showroom/storage yard), 1714 Contra Costa Street
 - (6) CUP #453, Surfwarez.com (internet sales/retail), 448 Orange Ave
- B. There was no discussion of **City RESOLUTION Granting a 90-Day Time Extension of Conditional Use Permit #426 for Brad Harbor of Harbor Concrete at the end of Fir Avenue**
- C. There was no discussion of City **RESOLUTION Granting a 90-Day Time Extension of Conditional Use Permit #432 for Advanced Towing, at 841 Fir Avenue**
- E. There was no discussion of **City RESOLUTION Granting a 90-Day Time Extension of Conditional Use Permit #450 for Glass Mosaic Tile & Marble, at 1855-B East Avenue**
- F. There was no discussion of **City RESOLUTION Granting a 90-Day Time Extension of Conditional Use Permit #455 for Glass Mosaic Tile & Marble, at 840 Fir Avenue**
- G. There was no discussion of June 7, 2005 Minutes
- H. There was no discussion of June 21, 2005 Minutes
- I. There was no discussion of the Monthly Police Department Report, June 2005
- J. There was no discussion of the Monthly Fort Ord Reuse Authority (FORA) Report, July 2005
- K. There was no discussion of the City/Redevelopment Agency Financial Report for May, 2005

- L. There was no discussion of **City Resolution Authorizing the City Administrator to Enter into a Contract with Monterey County for Sand City's participation in a Regional Hazard Mitigation Plan (LHMP)**
- N. There was no discussion of **City RESOLUTION Authorizing a Contract with Griffins Maintenance Service for Street Sweeping of the Bicycle Recreation Trail**

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

AGENDA ITEM 6, ITEMS PULLED FROM CONSENT CALENDAR:

{ Council member Morris stepped down from the dais, due to a possible conflict, 500' rule }

- D. There was no discussion on City RESOLUTION Granting a 90-Day Time Extension of Conditional Use Permit #434 for Gordons Truck Rental (a.k.a. Budget) at 840 Tioga Avenue.
- M. There was no discussion of **Redevelopment Agency RESOLUTION Reserving a 1.188 Acre-Foot Water Credit to Costco Wholesale for an Expansion of their Facility at 801 Tioga Avenue in Sand City.**

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

{ Council member Morris returned to the dais }

AGENDA ITEM 7, PUBLIC HEARINGS:

{ Council member Hubler stepped down due to a possible conflict, 500' rule }

- A. Associate Planner Pooler presented **City RESOLUTION Recommending Approval of Conditional Use Permit 462, Authorizing the Administrative Office and Material and Equipment Storage for A. Ramirez Incorporated Plumbing and Heating Business at 679-B Redwood Avenue.** The conditional use permit application was submitted by A. Ramirez Incorporated to operate a plumbing and heating

service business within a portion of a commercial building located at 679 Redwood Avenue, Unit B. The business proposes to use the building for office and storage of material and equipment for the repair or replacement of plumbing or heating within homes or businesses. The property currently provides eleven parking spaces. The building has adequate water to accommodate the proposed operation. No negative impacts are anticipated from this use as presented and conditioned. Staff recommends approval of the conditional use permit.

7:26 p.m. Floor Opened for Public Comment

AL RAMIREZ (Applicant): Agreed with staff's recommendations and conditions.

7:27 p.m. Floor Closed to Public Comment

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

{ Council member Blackwelder stepped down and joined Council member Hubler due to the 500' rule }

- B. Associate Planner Pooler presented **City RESOLUTION Recommending Approval of Conditional Use Permit 463 Authorizing the Administrative Office and Sales Showroom for the Mattress Company at 1714 Contra Costa Street.** Brian GINERICH submitted an application to operate a retail showroom and office for Monterey Mattress Company within an existing building located at 1714 Contra Costa Street. The applicant currently operates at 1815 Contra Costa Street and is proposing to relocate only the office and showroom to the new address. Mattresses are currently, and will continue to be, manufactured at 1815 Contra Costa Street. Parking for the property is currently provided along Elder Avenue, where it encroaches into the Elder Avenue right-of-way. The applicant will need five (on-site) parking spaces to satisfy zoning requirements. The frontage along Elder Avenue can accommodate eight (8) parking spaces. This operation does not require any allocation of water credit. Staff recommends approval of the Conditional Use Permit to the applicant allowing for office, and showroom.

7:29 P.M. Floor Opened for Public Comment

BRIAN GINERICH (Applicant): Agreed with staff's recommendations and conditions and was happy to find a place for a show room in Sand City.

7:30 P.M. Closed to Public Comment

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

{Council members Blackwelder and Hubler returned to the dais}

- C. Associate Planner Pooler presented **City RESOLUTION Recommending Approval of Conditional Use Permit 464 Authorizing the Storage of Windows, Doors and Lumber as a Temporary Interim Use by SK Scanlan Incorporated in a Commercial Building at 842 Fir Avenue.** David Hebert, representing SK Scanlan Company, submitted an application for a conditional use permit to use an existing commercial building for the storage of lumber and pre-manufactured windows and doors at 842 Fir Avenue. The property is within the South of Tioga Redevelopment Project Area. The applicant proposes to lease the building for the storage of materials related to their contract work on the Residential Sound Program near the Monterey Peninsula Airport estimated to be (s 6 months in duration. The use requires nine (9) on-site parking spaces in accordance with the City's zoning. Staff recommends that four spaces be striped and the remaining five spaces can be provided along the side of the building. There are adequate on-site water credits to facilitate the proposed storage use. Staff recommends the conditional use permit have a six (6) month time limit, with the potential of 90-day extensions at the discretion of the City Council. Staff recommends approval of the Conditional Use Permit with a term of six (6) months.

7:34 P.M. Floor Opened for Public Comment

PETE ERICKSON (Representative for SK Scanlan): Agreed with the conditions.

7:35 P.M. Closed to Public Comment

Motion to approve the Resolution was made by Council member Morris and seconded by Council member Blackwelder. AYES: Council member Blackwelder, Carbone, Pendergrass, Hubler and Morris. NOES: None. ABSENT: None. ABSTAINED: None. Motion carried.

- D. Associate Planner Pooler presented City **RESOLUTION Recommending Approval of Coastal Development Permit 05-03 Authorizing a Fenced Storage Yard and Encroachment into the Railroad Right-of-Way for the Purpose of Parking New and Used Cars for Sale and Service by the Lexus of Monterey Dealership.** An application was submitted by Peter Blackstock, of the Lexus-Monterey Peninsula dealership to construct and use a fenced yard within a portion of the railroad right-of-way behind the applicant's business address of 1721 Del Monte Boulevard in Seaside. The applicant proposes a yard for the storage of vehicles associated with the Lexus dealership. The applicant is requesting a 50-foot encroachment for a

width of approximately 412-feet. Access is intended through the applicant's Seaside property. It has been City policy to allow these storage uses on a temporary basis, pending future redesign of the railroad right-of-way. Staff recommends approval of the Coastal Development Permit, as conditioned with the termination clause for a temporary period of two years.

7:40 P.M. Floor Opened for Public Comment

RICK CARTELL, (applicant's representative): The use of the property will be for the returned vehicles as in leased vehicles. The TAMC agreement states that this area will be for staff access only and not for sales. Customers will not have access to the storage area being considered. They currently have a preliminary agreement with TAMC.

7:45 P.M. Floor Closed to Public Comment

Council member Morris requested information regarding business license fees. The City Administrator responded that the previous leases in the right-of-way have all been based on square footage. Staff was directed to look at business license fees, and to research dividing the area into square footage and sales in relation to the temporary uses that have been approved in the right-of-way. The applicant stated that he did not want to be at a competitive disadvantage in relation to the other businesses that are paying their business license fee based on square footage of storage only. Conditions # 2 and # 23 were amended. The business license fee was to be determined by the City Clerk, and as other businesses came up for renewal, the same calculations would be used for all same type businesses.

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

- E. Associate Planner Pooler presented **City RESOLUTION Recommending Approval of an Amendment of Conditional Use Permit 458 and Coastal Development Permit 05-02 for John Avery to Allow a Temporary Use Property at 490 Orange Avenue for Office, Storage and Tile Cutting.** The City Council issued a Conditional Use Permit and a Coastal Development Permit to Mr. John Avery in April 2005 for the development of a new commercial facility at 490 Orange Avenue and the use of that new facility. As a condition of those approvals, use of the site by the applicant's business was not to have commenced until the development project was completed. However, the applicant has been using the site contrary to this restriction. His current use includes, office, material and equipment storage, and stone cutting. Staff is concerned that the stone cutting will produce fine particulate matter that will create a clay material within either the storm drain or sewer systems. The applicant should be required to abide by the regulations of the Monterey

Bay Unified Air Pollution Control District, and requirements of the City Engineer regarding on-site containment of effluent. Failure to meet these requirements will be grounds to terminate the applicant's use. Staff recommends approval of the amendment to allow the temporary use of the property by John Avery's tile operation for a period of 60-days.

8:14 P.M. Floor Opened for Public Comment

JOHN AVERY, (Applicant): In the process of developing the property he was paying rent on two places. He moved on-site for financial reasons. The engineers are in the process of doing soil testing. He said he is in the position that if he does not work he doesn't make any money and he could lose the property altogether. He has continued to be in close contact with the neighbors to make sure he is not disturbing them in any way. He is currently working on the foundation, and it takes about 4 months to get the steel in for the building.

8:35 P.M. Floor Closed to Public Comment

Staff amended the permit conditions to allow the temporary use through January 31st to give Mr. Avery time to develop his property.

Motion to approve the Resolution as amended was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Member Blackwelder, Carbone, Pendergrass, Hubler and Morris. NOES: None. ABSENT: None. ABSTAINED: None. Motion Carried.

AGENDA ITEM 8, OLD BUSINESS:

- A. The City Engineer reported that the City of Seaside is requesting the City of Sand City pay 20% of the costs to improve the 90" Storm Drain Project Adjacent to Bay Avenue. Sand City had calculated its fair share to be 7% of the cost. The City Engineer suggested Sand City pay 10% of the costs. The Council agreed to pay the City of Seaside 7%, (as calculated by the City Engineer) of the costs to improve the 90" Storm Drain.
- B. The City Engineer reported that he has been in contact with the City of Monterey regarding street maintenance. He said that Sand City may be able to piggy-back on to the street work being done in the City of Monterey. He stated that the bench that will go in front of the Chief's office at City Hall should be here in about two weeks. The re-designing of the parking behind City Hall should be ready to go out for bid in a couple of weeks.

The City Administrator reported that the next TAMC meeting is scheduled for July 28th, and the relocation of California Avenue in the rail right-of-way will be discussed at that meeting. He said the City may look at a benefit assessment district to help finance the desalination plant. He told

the Council that he has advised Don Orosco that he will need to make a presentation to the City Council soon. Orosco's development is currently proposed to include 95 residential units and only a limited amount of commercial.

The Community Development Director reported that the City had received a very favorable letter on the desalination plant from the Marine Sanctuary, (NOAA).

- C. The City Administrator reported that the Budget Committee would be meeting on July 25th to go over the FY 2005-06 Preliminary Combined Budget

9:20 P.M. Mayor Pendergrass called for a recess.

9:27 P.M. Council re-adjourned.

AGENDA ITEM 9, NEW BUSINESS:

- B. RSVP'S were given to the City Clerk for the Upcoming Meetings/Events.

10. CLOSED SESSION

- A. 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 (1 case) - CalAm Water v. Seaside, Sand City et al
- B. Re-adjourn 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:

- A. Motion to adjourn was made by Council member Blackwelder, seconded by Council member Carbone, to the next regularly scheduled City Council meeting on August 2, 2005, 7:00 p.m. There was unanimous consensus of the City Council to adjourn at 9:56 p.m.



Linda Scholink, City Clerk