

**MINUTES**  
**JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY**  
**OF THE REDEVELOPMENT AGENCY**

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Regular Meeting – June 4, 2013  
7:00 P.M.  
CITY COUNCIL CHAMBER

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Mayor Pendergrass opened the meeting at 7:00 p.m.

The invocation was led by Reverend Carl Kelleher.

The Pledge of Allegiance was led by Police Chief Michael Klein.

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

Staff:          Steve Matarazzo, City Administrator/Community Development Director  
                 Jim Heisinger, City Attorney  
                 Leon Gomez, Interim City Engineer  
                 Michael Klein, Police Chief  
                 Connie Horca, Deputy City Clerk  
                 Charles Pooler, Associate Planner

**AGENDA ITEM 4, COMMUNICATIONS**

A.      Written communications distributed to the Council were a list of conflicts, and a revised Amendment No. 10 to Agreement No. A-09687 between the County of Monterey & Sand City (Item 5A).

B.      Oral

7:03 p.m.      Floor opened for Public Comment.

There was no comment from the Public.

7:03 p.m.      Floor closed to Public Comment.

Mayor Pendergrass commented that Staff has requested an urgency item be added to Closed Session, Agenda item 10.

Motion to add to the Closed Session agenda urgency item 10A-3 Labor Negotiations: Council direction to Labor Negotiator pursuant to Section 54957.6 of the Ralph M. Brown Act, Parties to the Negotiations: City Administrator,

Management Staff, Miscellaneous Employees, and the Police Officers Association (POA) was made by Council Member Carbone, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

## **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 the City **Resolution** authorizing Renewal of Animal Shelter Services Agreement with the County of Monterey Health Department and Approving Amendment No. 10 to Agreement No. A-09687 for Fiscal Year 2013-14.
- B. There was no discussion of the City Donations/Contributions of \$500 to both the Monterey County Film Commission and the Suicide Prevention Service.
- C. There was no discussion of the City **Resolution** approving an Amendment to the Environmental Impact Report Contract Agreement with David Powers and Associates for the Collections at Monterey Bay Coastal Resort Project adding an additional cost amount not to exceed \$60,872.
- D. There was no discussion of the appointment to the Monterey County Convention and Visitors Bureau (MCCVB) Advisory Board.

Motion to approve the Consent Calendar was made by Council Member Kruper, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: 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 Members Hubler and Kruper stepped down from the dais due to a possible conflict of interest by residing within 500' of the subject area}*

- A. **Consideration of City Resolution approving Conditional Use Permit 563 for Espinoza Graphics Photography Studio and Gallery at 613-B Ortiz Avenue**

Associate Planner Charles Pooler presented an application submitted by Manny Espinoza to operate a photography studio and gallery within a

commercial unit at 613-B Ortiz Avenue. The studio will be used for portraits, product photography and digital video. The gallery will display and sell framed digital art and photography. There will be no film development on-site. Equipment will include computers, digital printers and cameras, photography lights and backdrops. The applicant wishes to host digital art/photography classes between 8 to 10 students. Staff recommends group classes be no more than 10 students to be held between 4:00 p.m. and 10:00 p.m., Monday through Friday, and 10:00 a.m. to 6:00 p.m. on weekends. The proposed use requires three parking spaces, and is capable of providing twelve perpendicular on-site parking spaces. The proposed photography studio is not anticipated to pose a nuisance if class sizes do not exceed a maximum of 10 students per class. Staff recommends approval of the conditional use permit for Espinoza Graphics.

7:10 p.m. Floor opened to Public Comment.

The Applicant Jose Manny Espinoza commented that the classes he intends to conduct will be held during the day, only on weekends, for approximately 4-5 hours. No classes will be held during the week. He is in agreement with the conditions of the use permit.

7:11 p.m. Floor closed to Public Comment.

Motion to approve the City **Resolution** by title, approving Conditional Use Permit 563 for Espinoza Graphics Photography Studio and Gallery at 613-B Ortiz Avenue was made by Council Member Carbone, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Member Hubler, Kruper. Motion carried.

*{Council Members Hubler and Kruper returned to the dais}*

## **AGENDA ITEM 8, OLD BUSINESS**

### **A. Progress report on Public Works projects, Successor Agency Oversight Board, South of Tioga project, Coastal projects, and other Sand City community programs by City Engineer/Community Development Director/City Administrator**

Interim City Engineer Leon Gomez reported that the desalination plant produced 16.23 AF in May. There were a total of nine non-production days for May due to operational complications with the #2 well at Bay Avenue. Maintenance of the product tank and the high pressure pumps also contributed to those non-production days. Cal-Am's plant operations manager, Anthony Lindstrom, communicated that they are doing the best they can in trying to balance the pumping from the wells so that an automatic shutdown does not occur.

Mayor Pendergrass commented that the State Water Board met in

Monterey; and Sand City's desalination plant was positively mentioned at the meeting.

There was Council discussion regarding the possibility of constructing additional wells in order to increase water production, and what can be done to keep the production number up to meet the yearly water goal.

City Administrator Steve Matarazzo reported that Dr. Ed Ghandour won another major victory in court against the Coastal Commission. He is determined to see the proposed resort project come to fruition.

City Attorney Jim Heisinger reported that it took the judge over one year to come to this decision, and has refuted the Coastal Commission's decision to deny the permit. The Coastal Commission cannot arbitrarily say they want a 75-year coastal erosion setback when our Local Coastal Plan requires a 50-year setback minimum.

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

### **A. Upcoming Meetings/Events**

There were no RSVP's from the Council.

## **AGENDA ITEM 10, CLOSED SESSION**

7:27 p.m.

### **A. City Council /Agency Board to adjourn to Closed Session:**

1) To confer with Legal Counsel regarding pending litigation in accordance with Government Code Section 54956.9(d)(1):

*a) Monterey Peninsula Water Management v. State Water Resources Control Board (No. M102101), and related cases*

*b) Cal-Am Application to CPUC No. 10-04-019 for Order Authorizing Recovery of Costs for Lease and Operation of the Sand City Desalination Facility*

*c) Seaside v. Sand City (No. M120996) and related cross action*

*d) Local Educational Agencies' (LEAs) monetary claim to recover pass-through payments from the Sand City Successor Agency to the Redevelopment Agency*

2) Conference with Legal Counsel in accordance with Section 54956.9 of the Ralph M. Brown Act, regarding Claim against Monterey County Reimbursement of Property Tax Administration Fee

3) Labor Negotiations: Council Direction to Labor Negotiator pursuant to Section 54957.6 of the Ralph M. Brown Act, Parties to the Negotiations: City Administrator, Management Staff, Miscellaneous Employees, and the Police Officers Association (POA) {urgency item}

8:22 p.m.

- 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

The Council gave direction to its labor negotiator (Item 10A-3).

#### **AGENDA ITEM 11, ADJOURNMENT**

Motion to adjourn the City Council meeting was made by Council Member Hubler, seconded by Council Member Blackwelder to the next regularly scheduled Council meeting on Tuesday, June 18, 2013 at 7:00 p.m.



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Connie Horca, Deputy City Clerk