

MINUTES

JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – April 1, 2008
CITY COUNCIL CHAMBERS
7:00 P.M.

Mayor Pendergrass opened the meeting at 7:08 p.m.

The Pledge of Allegiance was led by Police Chief Klein

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

Staff: Steve Matarazzo, City Administrator/Community Development Director
Sydney Morris, Associate City Attorney
Richard Simonitch, City Engineer
Michael Klein, Police Chief
Connie Horca, Deputy City Clerk

AGENDA ITEM 4, COMMUNICATIONS

- A. Written communications distributed to the Council were an Amended Agenda and voter information advising NO on Prop. 98, YES on Prop. 99.
- B. Vice Mayor Carbone gave a brief synopsis on the propositions, that if Prop 98 passes, it would eliminate rent control and other renter protection laws, making it extremely difficult for thousand of seniors on fixed incomes, single mothers and working families to find adequate affordable housing. Prop. 99 is the Homeowners Protection Act, prohibiting the government from using eminent domain to take a home and to transfer it to a private developer. The League of California Cities is advising voters to vote NO on Prop. 98 and YES on Prop 99. The Council discussed if there would be any negative impacts to the City of Sand City.

Mayor Pendergrass suggested that Staff prepare a resolution for the April 15, 2008 City Council Meeting in opposition to Prop. 98.

7:20 P.M. Floor opened for Public Comment

There was no comment from the Public

7:21 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. There was no discussion of the March 18, 2008 Sand City Council Meeting Minutes
- B. There was no discussion of City **Resolution** approving a 90-Day Time Extension of Conditional Use Permit #426 for Brad Harber authorizing continued operation of a Concrete Business as an interim use within an existing storage yard at the end of Fir Avenue APN 011-123-003 &017)
- C. There was no discussion of City **Resolution** approving a 90-Day Time Extension of Conditional Use Permit #432 for Advanced Towing authorizing continued storage of automobiles as an interim use within an existing building at 841 Fir Avenue
- D. There was no discussion of City **Resolution** approving a 90-Day Time Extension of Conditional Use Permit #434 for Gordon Rudy authorizing continued storage and operation of a Truck Rental Business as an interim use at the former Waste Management Transfer Facility at 840 Tioga Avenue
- E. There was no discussion of City **Resolution** approving a 90-Day Time Extension of Conditional Use Permit #450 for Glass Mosaic Tile and Marble as a continuing interim use within an existing building at 1855-B East Avenue
- F. There was no discussion of City **Resolution** approving a 90-Day Time Extension of Conditional Use Permit #455 for Glass Mosaic Tile and Marble as a continuing interim use within an existing building at 840 Fir Avenue
- G. There was no discussion of City **Resolution** approving a 90-Day Time Extension of Conditional Use Permit #464 Allowing for J.K. Scanlon Inc. as an interim use at 842 Fir Avenue
- H. There was no discussion of **Resolutions** Authorizing Banking Services Agreement(s) with Rabobank, 1) City **Resolution**, and 2) Redevelopment Agency **Resolution**
- I. There was no discussion of **Resolutions** authorizing Investment of Monies in Local Agency Investment Fund (LAIF), 1) City **Resolution**, and 2) Redevelopment Agency **Resolution**

- J. There was no discussion of City **Resolution** retaining Steve Matarazzo as Community Development Director, in addition to acknowledging his duties as City Administrator, for an indefinite period of time
- K. There was no discussion of the proposed City Contributions/Donations for The Coalition of Scholarship Organization in the amount of \$200

Motion to approve consent calendar items was made by Council Member Blackwelder, seconded by Council Member Morris. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSTAIN: None. Motion Carried.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled.

AGENDA ITEM 7, OLD BUSINESS

- A. City Administrator Steve Matarazzo reported on the update of the Granite Construction Coastal Property. Sand City has contracted with Caprock Geology to perform a Phase II environmental assessment of the 2.3 acre Granite Construction Coastal site property which the Granite Land Company has dedicated to the City. To date, Granite Construction has not offered to help defray the cost of any of the expenses for the City to receive a clean closure letter from the Monterey County Department of Environmental Health (MCDEH). Prior to issuing the letter, the County is requiring a minor soil remediation. Staff is requesting that Granite Construction pay half the cost, and to be the contracting party with Caprock for this environmental assessment. A proposed contract in the amount of \$22,620 for the soil remediation work is attached.

Council Member Morris commented that it would be a loss to Sand City should another Public Agency acquire the property.

There was Council discussion involving the cost of title and escrow fees, which Staff may negotiate with Granite Construction.

There was Council consensus to proceed with Staff's recommended compromise to split the cost of soil remediation with Granite Construction.

- B. City Administrator Steve Matarazzo presented the consideration of City **Resolution** amending the approved Contract with Zander Associates, dated March 4, 2008 to include additional expenses in the amount of \$33,205, adjusting the not to exceed contract to \$77,450. A required condition of the coastal development permit for the Sand City Water Supply Project is the biological monitoring and surveying of construction activities primarily related to the Western Snowy Plover and the Black Legless Lizards. Due to the necessity of expanding the staging area and the time for construction on the

west side, there has been unanticipated additional expenses related to the biological team in the amount of \$33,205. Staff extends its appreciation to Chief Klein for lending the Public Works crew who have participated in additional ice plant removal and black legless lizard retrieval saving the City additional expense. It is important that this phase of the construction be completed in the shortest time possible to avoid interference of the snowy plover nesting season. Staff recommends that this additional expense be approved, and the contract amended to include this additional cost.

Motion to approve City **Resolution** amending the approved Contract with Zander Associates, dated March 4, 2008 to include additional expenses in the amount of \$33,205, adjusting the not to exceed contract to \$77,450 was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSTAIN: None. ABSENT: None. Motion Carried.

- B. City Engineer Richard Simonitch reported that the additional cost (in reference to Agenda Item 7A) is due to the contractor requiring an additional 40' on either side of the well, for a total of 80', which added an additional seven days. The extra days required a full crew to assist in the removal of the black legless lizard, which is sifted by hand. One well is completely finished, and progress is proceeding in a timely manner. The next phase is scheduled to commence in three weeks. Staff also submitted the first request for reimbursement of \$346,902 from the grant funding of the \$2.9 million awarded to Sand City for the Water Supply project. This reimbursement is associated with CDM's design work on the desalination plant.

Steve Matarazzo reported that some time this week, the City will be submitting a grant application for the beach access improvements, which are part of the Sand City Water Project. Engineering staff estimates that the cost will be \$136,000. These funds will be a partial payment of grant funds set aside for this project.

AGENDA ITEM 8, NEW BUSINESS

- A. Mayor Pendergrass reported on the proposed "Cease and Desist Order" on Cal-Am to further reduce pumping on the Carmel River, and related attendance at the State Water Resources Control Board hearing should it occur. At the meeting of the State Water Resources Control Board in Monterey approximately 120 individuals attended. The Mayors' in attendance were forewarned that if they had any public interest on the Cease and Desist Order and were signed up for the Sacramento meeting in June, they would have to wait until the June meeting to make a public comment. If they wished to address the Board in Monterey, their allotted time for the Sacramento Hearing would be deducted. A letter was received from Assembly Member Laird, requesting to hold off on any decision. A letter was also presented to the Board from Senator Maldonado requesting the Board to hold off also. At a teleconference, Mr. Baggett of the State Water Resources Control Board

(SWRCB) requested that all briefs should be submitted by April, and by May 8th, a decision would be made on how to proceed. The positive note on the hearing were letters from the State Legislators.

There was Council consensus to send the City Administrator, City Attorney and Mayor to attend the public hearing in Sacramento and to participate in the Peninsula's strong objection to the draft "Cease and Desist" order.

- B. City Administrator Steve Matarazzo presented the consideration of a City Policy regarding building wall signs of a height greater than 20 feet. The Design Center submitted a "sign program" for the review and approval by the Design Review Committee. The current sign regulations do not include specific, requirements on restrictions for the mixed use zoning district where the project is located. The Design Review Committee (DRC) has available discretion that needs to be tempered by the City's policy regarding the significant issue of the maximum height to be allowed for signs attached to buildings. Staff has postponed final DRC consideration of the Design Center proposed sign program until additional direction is given by the City Council.

The Council expressed their concern with building signs of this height within the West End, and concurred with Staff's recommendation to not allow building wall signs of the height suggested by the Design Center.

- C. The Deputy City Clerk announced the upcoming meetings and events.

AGENDA ITEM 9, CLOSED SESSION

7:59 p.m. City Council adjourned to Closed Session to confer with Legal Counsel regarding litigation pursuant to §54956.9(c) of the Ralph M. Brown Act, Security National Guaranty, Inc. v. California Coastal Commission, et al.

8:25 p.m. City Council readjoined 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 City Administrator was authorized to sign a letter of support with regard to SNG v. California Coastal Commission.

AGENDA ITEM 10, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Morris to the next regularly scheduled Council Meeting on April 15, 2008, 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:27 p.m.

Connie Horca, Deputy City Clerk