

# **MINUTES**

## **JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY**

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Regular Meeting – May 20, 2008  
CITY COUNCIL CHAMBERS  
7:00 P.M.

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Mayor Pendergrass opened the meeting at 7:02 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  
                  Jim Heisinger, City Attorney  
                  Richard Simonitch, City Engineer  
                  Michael Klein, Police Chief  
                  Charles Pooler, Associate Planner  
                  Connie Horca, Deputy City Clerk

### **AGENDA ITEM 4, COMMUNICATIONS**

- A. Written communications distributed to the City Council was a schedule for the desalination plant project, and a revised staff report (Agenda Item 5I)

7:04 P.M.      Floor opened for Public Comment

There was no comment from the Public

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

City Attorney Jim Heisinger reported that the formal ruling regarding the Design Center is not a public work's' project and is not subject to the State Prevailing Wage requirement. There will be two upcoming hearings scheduled with regard to the Cal-Am draft "cease and desist" order. The Phase I hearing is scheduled for June 19, and will focus on the over pumping of the Carmel River. Sand City representatives should be formally present even though the City will not be presenting any witnesses. Phase II of the hearing will be on July 23 at which time the Board will consider appropriate remedies that it may impose.

## 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. There was no discussion of the following Conditional Use and Coastal Development Permits.
- (1) CUP #188, Performance Automotive (Auto Body Shop), 531 Elder Avenue
  - (2) CUP #216, Integrity Automotive Machine (Machine Shop), 371 Orange Avenue
  - (3) CUP #217, Ross Roofing (Open Storage), 1795 California Avenue
  - (4) CUP #246, Inter-City Manufacturing Inc. (Manufacturing), 501 Redwood Avenue
  - (5) CUP #253, Barry Hartzell Automotive (Auto Repair), 510 & 520 California Avenue
  - (6) CUP #472, Morgan's Café (coffee shop), 1725 Contra Costa Street.
  - (7) CDP #03-01, Fastenal Company Services (Distributor), 2-A John St
- B. There was no discussion of the May 6, 2008 Sand City Council Meeting Minutes
- C. There was no discussion of the Police Department Monthly Report, April 2008
- D. There was no discussion of the Monthly Public Works Department Report, April 2008
- E. There was no discussion of the Monthly Fort Ord Reuse Authority Report, FORA, May 2008
- F. There was no discussion of the City/Redevelopment Agency Financial Report, March 2008
- G. There was no discussion of the City **Resolution** approving a contract with Pacific Municipal Consultants for Planning Review, Housing Element Update, and Grant Procurement/Administration Services for Fiscal Year 2008-09 at a cost not to exceed \$70,000
- H. There was no discussion of the City **Resolution** approving a 90-Day Time Extension of Conditional Use Permit 481 for Monterey Bay Plumbing to continue their Contractor Operation as an interim use within an existing building at 856 Tioga Avenue
- I. Approval of the City **Resolution** authorizing the Public Works Director to submit an application to the State of California Department of Finance for Prop 1B funding for local road maintenance on selected streets in Sand City. This item was

pulled from consent for further report.

- J. There was no discussion of the City **Resolution** authorizing renewal of the Building Inspection and Plan Check Services Agreement with the City of Monterey
- K. There was no discussion of the City **Resolution** Authorizing a Service Agreement for Auditor Services by Hayashi & Wayland for Fiscal Year 2007-2008

Motion to approve Consent Calendar items 5A-H, 5J and 5K was made by Council Member Blackwelder, seconded by Council Member Carbone. 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**

Agenda item 5I. City Engineer Richard Simonitch reported on the City resolution authorizing the Public Works Director to submit an application to the State of California Department of Finance for Proposition 1B funding for local road maintenance on selected streets in Sand City. The attached staff report was missing a line item regarding the Shasta Avenue improvements from the total. The original math was missing the correct total of \$57,000 in City funds contribution. A contact at the League of California Cities communicated that there is no real deadline to submit the application. Staff will submit the application immediately to the State should the Council approve the resolution.

Mayor Pendergrass commented that it would be of benefit to Sand City to apply for the grant funds to help defray the cost of needed road and street improvements within Sand City.

Motion to approve the City **Resolution** authorizing the Public Works Director to submit an application to the State of California Department of Finance for Proposition 1B funding for local road maintenance on selected streets in Sand City was made by Council Member Carbone, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

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

- A. City Administrator Steve Matarazzo presented the consideration of actions to implement a regional traffic impact fee. At the May 6, 2008 City Council meeting, the City Council approved the environmental certification of the Transportation Agency for Monterey County's (TAMC) regional traffic fee and investment plan, and the regional traffic impact fee was discussed at the prior meeting. The final step is to adopt a traffic impact fee ordinance, set the base fee amount, and approve the joint powers agreement that will administer the fee program. The fee program should ultimately collect sufficient funds, in combination with sales tax revenue, to fully fund the TAMC projects. Staff

recommends the adoption of the attached ordinance adding Section 18.98 to the Sand City Municipal Code regarding the establishment of a regional traffic impact fee and approval of the attached resolutions authorizing entry by the City into an agreement establishing a Joint Powers Authority to Administer the regional traffic impact fee and setting the base amount of the regional traffic impact fee.

7:16 P.M. Floor Opened to Public Comment

There was no comment from the Public

7:17 P.M. Floor Closed to Public Comment

Council Member Morris asked if there were any cities which opted out of the proposed regional impact fee.

Mike Zeller, TAMC representative, commented that the City of Greenfield requested more time to review the program. The Cities of Pacific Grove, Gonzales and Monterey have held their first reading of the proposed ordinance. TAMC will hold presentations with the Cities of Marina and Carmel, and the City of Seaside will hold their public hearing on June 5, 2008.

City Administrator Steve Matarazzo added that when an environmental impact report or negative declaration is prepared, the cumulative impact fee should provide adequate mitigation for cumulative traffic impacts.

Motion to approve the first reading of the **Ordinance**, adding Section 18.98 to the Sand City Municipal Code regarding the establishment of a Regional Traffic Impact Fee, was made by Council Member Blackwelder, seconded by Council Member Carbone. Roll Call Vote. AYES: Council Members Balckwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSTAIN: None. ABSENT: None. Motion Carried.

Motion to approve the City **Resolution** authorizing entry by the City into an agreement establishing a Joint Powers Authority to administer the Regional Traffic Impact Fee, was made by Council Member Carbone, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSTAIN: None. ABSENT: None. Motion Carried.

Motion to approve the City **Resolution**, setting the base amount of the Regional Traffic Impact Fee, was made by Council Member Hubler, seconded by Council Member Morris. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSTAIN: None. ABSENT: None. Motion Carried.

*{Council Member Morris stepped down from the dais due to a possible conflict of interest by residing within 500' of the subject property}*

B. Associate Planner Charles Pooler presented an application for a City **Resolution** approving a Site Plan Permit (SP 08-01) and Conditional Use Permit 490 for development of a new single family dwelling and home

occupation use at 770 Tioga Avenue. Applications were submitted by Steve Krebs, architect for James Obara (property owner), to construct a 3-story single family dwelling at 770 Tioga Avenue. In January, the City Council adopted an ordinance to re-zone the property to a Planned Mixed Use Planned Unit Development. The property is 25 feet wide and 90 feet deep, facing the upper end of Tioga Avenue, which currently houses a prefabricated mobile home that will be removed. Mr. Obara is seeking a 3-story home to accommodate his ailing father, and to continue having a work area for his floral business on site. The current area would not meet his needs without increasing to 3-stories. His live/work proposal is encouraged by the mixed-use zoning. The higher intensity use along Tioga Avenue in the East Dunes area is recognized in the Sand City General Plan. The architect acknowledged the side setbacks in his design, which may have to be increased to five foot minimums to comply with State building code requirements. On Friday, May 9, the Design Review Committee held a public hearing on the subject property. The architecture was well received and the DRC approved a design permit. Staff supports the overall design and use of architectural elements as consistent with "seascape" architecture desired for the East Dunes and recommends the approval of the attached use permit and site plan permit.

Council Member Blackwelder asked if the setbacks will have any affect on the East Dunes, and if the design of the proposed building is part of the overall design of the East Dunes area.

City Administrator Steve Matarazzo replied that the City's General Plan requirements have already been approved for this East Dunes area. Several developers have also expressed interest in the development of this area. A master grading plan would ensure optimum ocean views.

Council Member Blackwelder expressed his desire that the Council have a specific plan to have the East Dunes area developed.

City Administrator Steve Matarazzo commented that this issue can be revisited at the second Council meeting in June. The East Dunes guidelines were previously adopted by the Council several years ago.

7:35 P.M. Floor opened for Public Comment

Steve Krebs, designer for the project commented that the design for the building has been approved by the State, and the seismic design will be discussed with the Engineer. This project would be a great attribute for Sand City and is hopeful that this live/work design architecture would be published in a future issue of Sunset Magazine. On behalf of Mr. Obarra, Mr. Krebs confirmed that he is in agreement with the conditions of the conditional use permit and site plan permit.

7:39 P.M. Floor closed to Public Comment

Motion to approve City **Resolution** issuing a Site Plan Permit (SP 08-01) and Conditional Use Permit 490 for development of a new single family dwelling and home occupation use at 770 Tioga Avenue was made by Council Member Pendergrass, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Pendergrass. NOES: None. ABSTAIN: Council Member Morris. ABSENT: None. Motion Carried.

*{Council Member Morris returned to the dais}*

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

- A. City Engineer Richard Simonitch reported that CDM has provided the handout distributed earlier on the work schedule of the desalination plant construction. The project is two weeks behind schedule, but is still moving ahead. The contractors began clearing and grading the area at the Shasta Avenue site last week. The next phase would be to install the underground pipes, ensure the plumbing conduit is in before the slab is constructed. The pipeline work is due to begin on June 2<sup>nd</sup> at Tioga and Bay Avenues and Sand Dunes Drive. Street closures will need to be coordinated with the Police Department.

The well development is proceeding with good results. Well #4, the upper well at Tioga Avenue has seen an increase of 60-70% production. The lower Tioga well has not produced much positive results due to the high salinity level. The next move would be to test the production of the Bay Street wells.

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

- A. City Engineer Richard Simonitch presented the consideration to authorize the Public Works Director to advertise for bids for the citywide pavement re-stripping project. The project involves restriping with thermoplastic paint of existing stop bars, crosswalks, parking stalls, and other pavement markings throughout the City. Several new crosswalks are proposed for public safety purposes at intersections where none previously existed. Some conversation with the Chief of Police and public works staff resulted in the possibility of overlapping the pavement re-stripping work with the street improvement projects scheduled. The Prop 1B Budget had a minor change with a revised total cost. The actual costs for the project will be submitted once the bids have been received. This project is anticipated to be awarded by late June. Staff recommends Council approval to authorize the Public Works Director to advertise for bids for the citywide pavement restriping project.

The City Council was in consensus to approve the Public Works Director to advertise for bids for the citywide pavement re-stripping project.

- B. The Deputy City Clerk brought to the Council's attention the upcoming League of California Cities Conference. Council Member Hubler confirmed his attendance. The Council expressed their desire to make flight arrangements out of the Monterey Airport.

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

City Administrator Steve Matarazzo reported that there was no need for the Agency Board to adjourn to closed session to confer with real property negotiator:

1) In accordance with Section §54956.8 of the Ralph M. Brown Act regarding real property negotiator, Steve Matarazzo, Executive Director regarding the acquisition of specific properties located at 525, 537, and 539 Ortiz Avenue, and 512 Redwood Avenue (APN 011-196-004, 013, 019, & 020) Carroll Property.

## **AGENDA ITEM 11, ADJOURNMENT**

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Carbone, to the next regularly scheduled Council meeting on June 3, 2008, 7:00 p.m. There was a unanimous consensus of the Council to adjourn the meeting at 8:05 p.m.

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Connie P. Horca, Deputy City Clerk