

# MINUTES

## JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

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Regular Meeting – July 15, 2008  
CITY COUNCIL CHAMBERS  
7:00 P.M.

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

The invocation was led by Reverend Carl Kelleher

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 communication distributed to the Council was an invitation to the Monterey County Business Council's 5<sup>th</sup> Annual Economic Development Forum and Public-Private Partnership Awards Program at the Hyatt Monterey on July 24<sup>th</sup>.

B. Oral

7:04 p.m. Floor Opened for Public Comment

There were no comments

7:05 p.m. Floor Closed to Public Comment

Mayor Pendergrass commented on the new art display in the City Council Chambers. Staff has installed video surveillance cameras that will monitor the visitors who are interested in viewing the art display. The art display is available for the public to view during the City Hall's regular business hours.

## 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 July 1, 2008 Sand City Council Meeting Minutes.
- B. There was no discussion of the Public Works Monthly Report, June 2008.
- C. There was no discussion of the Monthly Police Department Report, June 2008.
- D. There was no discussion of the status report of consumer habits during tough economic times.
- E. Approval of City **Resolution** approving a Time Extension of two (2) years of Coastal Development Permit (CDP) 03-03 for the Cardinale Automotive Group. This item was pulled for separate consideration.
- F. There was no discussion of the 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).
- G. There was no discussion of the 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.
- H. Approval 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. This item was pulled for separate consideration.
- I. There was no discussion of the 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.
- J. There was no discussion of the 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.
- K. There was no discussion of the 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.
- L. There was no discussion of the City **Resolution** Authorizing an Agreement for Jail Services with the City of Seaside.

- M. There was no discussion of the City Contributions/Donations to
- 1) Domestic Violence - \$500
  - 2) Suicide Prevention Service of the Central Coast - \$500

Motion to approve Consent Calendar items 5A-5D, 5F, 5G, and 5I-5M was made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSTAIN: None. ABSENT: None. Motion Carried.

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

*{Council Member Hubler stepped down from the dais due to a possible conflict of interest by residing within 500' of Agenda item 5E}*

- 5E. Motion to approve the City **Resolution** approving a Time Extension of two (2) years of Coastal Development Permit (CDP) 03-03 for the Cardinale Automotive Group was made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Morris, Pendergrass. NOES: None. ABSTAIN: Council Member Hubler. ABSENT: None. Motion Carried.

*{Council Member Hubler returned to the dais}*

*{Council Member Morris stepped down from the dais due to a possible conflict of interest by residing within 500' of Agenda item 5H}*

- 5H. Motion to approve the 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

*{Council Member Morris returned to the dais}*

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

- A. Council consideration for the **First Reading** of an Ordinance Adopting the 2007 California Building Code and Appendix Chapter J; 2007 California Mechanical Code; 2007 California Plumbing Code; 2007 Uniform Electrical Code; 1997 Uniform Administrative Code; 2006 International Existing Building Code; 2006 International Property Maintenance Code; 2007 California Fire Code, Including Appendix Chapter 1 and Appendices A, B, C, D, M and R (**this item continued from the July 1, 2008 Council Meeting**). Associate Planner Charles Pooler responded to the Council's inquiry that the changes in the attached revised staff report and ordinance has been made per the Council's request at the previous meeting.

7:08 p.m. Floor Opened for Public Comment

There was no comment from the Public

7:09 p.m. Floor Closed to Public Comment

Motion to approve the **First Reading** of the Ordinance adopting the 2007 California Building Code and Appendix Chapter J; 2007 California Mechanical Code; 2007 California Plumbing Code; 2007 Uniform Electrical Code; 1997 Uniform Administrative Code; 2006 International Existing Building Code; 2006 International Property Maintenance Code; 2007 California Fire Code, Including Appendix Chapter 1 and Appendices A, B, C, D, M and R was made by Council Member Blackwelder, seconded by Council Member Hubler. Roll Call Vote. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

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

- A. City Engineer Richard Simonitch reported that staff met with the striping contractors on Thursday, July 10 to finalize a few questions that were expressed at a previous meeting. Staff was impressed with their knowledge and experience on other projects which Riley's Striping has completed at locations in the Bay Area.

The foundation for the desalination project is scheduled to be poured some time this week. The feed wells and lines have been pressure tested for leaks. The contractors have started the trenching where the instrument panels for the pumps and switchbacks to the pumps will be located. This area may need fencing to hide the meter switch boxes which may be visible on the roadway if not concealed properly. These switch boxes are similar in appearance to the ones located at the City's traffic signals and major intersections.

Staff is currently working on the documents to advertise for bids for the City-wide improvement project. The contract for the horizontal discharge well for the desalination facility will be brought to the Council for review and approval at the next City Council meeting.

Council Member Morris asked how much longer will Tioga Avenue remain closed to the public?

Chief Klein responded that Tioga Avenue should re-open around the end of September.

City Administrator Steve Matarazzo reported that Mr. Ed Ghandour has applied for an energy and environmental award through the State of California regarding his proposed project. If the project plans are approved, the plans will have to go through Sand City's environmental certification with an addendum to the final EIR. A balanced grading plan will eliminate the export of any sand from the project site. He reportedly has an engineering firm working on the project.

Council Member Morris commented that Mr. Ghandour's project may enhance the environment with the addition of plants to the existing habitat.

Mayor Pendergrass added that the project may be a world renown landmark if it comes to "fruition".

- B. City Administrator Steve Matarazzo presented the status report on proposed conveyance of Granite Coastal Site to the City or Redevelopment Agency. Granite Construction would like to close the deal by the end of the year for tax purposes. The City Attorney has received a draft agreement for the property transfer of the Granite Coastal Site to the City of Sand City. Granite is requesting a "hold harmless agreement" on any future liability that may occur due to site contamination. Most of the hazardous materials have been reduced to non-harmful levels. The City has agreed to a remediation plan that would eliminate hazardous materials that were found during a Phase II environmental assessment of the property, with Granite sharing the \$22,000 cost of the remediation plan. As part of the property transfer, both the City and Granite have agreed that the property will be transferred following a transmittal of a "closure letter" from the Monterey County Environmental Health Department (MCEHD). After review of the Phase II evaluation records, with Caprock's proposal to remove environmental contamination, whatever liability the City has should be an acceptable one. Most of the hazardous material has either been removed or is at non-toxic levels. There is the possibility of applying for a State grant to help offset the cost of removing the contaminated materials from the site, or sell/transfer the property to King Ventures, who is currently in the process of doing an environmental impact report and his project includes this site. Staff recommends moving forward with the conveyances and presenting to the Council a property acquisition agreement at an August 2008 City Council meeting. Staff's primary concern is the take over of the property by another agency and what their future plans for this site may be.

Council Member Morris expressed his concern in turning the property into an overflow parking site.

Mayor Pendergrass commented that there are alternative uses for the site and does not favour the area being used solely for parking.

City Attorney Jim Heisinger added that from the date of the closure letter, the City will be responsible for any materials found on the site.

There was Council consensus directing Staff to proceed with the property acquisition, pending further review of the specific conveyance document.

Associate Planner Charles Pooler reported that Staff has an upcoming meeting with the property owner and "In and Out Burger" representatives to discuss preliminary plans to acquire the site off of Tioga Avenue. The building would be situated towards the back with the driveway entering and exiting on Tioga Avenue. The company is very excited about the proposed plan and seems to be in agreement with most of the sign restrictions of Sand City's code. The code allows a sign available to northbound traffic on Tioga Avenue, but "In and Out" representatives expressed interest in a much larger sign than Sand City's sign code allows. At the meeting they will discuss possible alternatives and options.

## AGENDA ITEM 9. NEW BUSINESS

- A. City Administrator Steve Matarazzo reported on the request to show interest in joining other cities and the County to obtain an "Urban County Designation" regarding the procurement of Community Development Block Grant (CDBG) funds for Housing and Economic Development Purposes. A letter was drafted to the redevelopment director of Monterey County suggesting that Sand City not join the County in this urban county designation. Community Development Block Grant monies have contributed immensely to Sand City's water project in the early stages and also with past/future housing element studies. Sand City would not be able to apply for those grants if the City is part of the urban county designation.

There was a consensus of the City Council to proceed with the letter to the Monterey County.

Council Member Hubler reported that the West End Event is going smoothly, plans are moving forward and the committee is looking forward to a very successful event this year. A meeting is scheduled for Monday, July 21 with the West End Action Committee. The invitations will be printed next week, and the postcards shortly thereafter.

Council Member Morris commented that the City should display the banners advertising the event where the Obon signs are presently located at the end of Tioga.

Chief Klein added that the banners will be displayed in three locations throughout Sand City. There should be no difficulty setting up the banners earlier at the discretion of the Council and West End Committee.

- B. The Deputy City Clerk brought to the Council's attention the upcoming meetings and events. Reservations for the grand opening of the City Center downtown hosted by the Seaside-Sand City Chamber of Commerce are due by Thursday, July 24, 2008.

## AGENDA ITEM 10, CLOSED SESSION

*{Council Members Blackwelder and Hubler stepped down from the dais due to a possible conflict of interest by residing within 500' of the subject property}*

8:03 p.m. The Agency Board adjourned to Closed Session to:

- 1) To confer with real property negotiator 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

- 2) Confer with Legal Counsel regarding pending litigation pursuant to §54956.9(a) of the Ralph M. Brown Act, Palazzolo v. City of Sand City

8:13 p.m

- B. Readjourn 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
  - 1) The Agency Board gave further direction to the property negotiator, Steve Matarazzo.
  - 2) This item was not discussed.

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

Motion to adjourn the City Council meeting was made by Council member Carbone, seconded by Council member Morris to the next regularly scheduled Council meeting on August 5, 2008, 7:00 p.m. There was a unanimous consensus of the Council to adjourn the meeting at 8:13 p.m.

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Connie Horca, Deputy City Clerk