

# **MINUTES**

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

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

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Mayor Pendergrass opened the meeting at 7:01 p.m.

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 (arrived at 7:10 p.m.)  
                 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**

Members of the public may address the City Council on matters not appearing on the City Council agenda at this time for up to three minutes. In order that the City Clerk may later identify the speaker in the minutes of the meeting, it is helpful if the speaker states their name. Public comments regarding items on the scheduled agenda will be heard at the time the item is being considered by the City Council.

The City Council Chambers podium is equipped with a portable microphone for anyone unable to come to the podium. If you need assistance, please advise the City Clerk as to which item you would like to comment on and the microphone will be brought to you.

- A.      There was no written communication distributed to the Council
  
- B.      Oral

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

Jason Gill, Trustee for the owner of property located within the East Dunes area, commented that the General Plan allows for potential development of the area. The Trust requests the Redevelopment Agency to create a more defined specific plan for

the East Dunes area regarding future development that would protect the rights of the property owners. Mr. Gil concluded that the Trust looks forward to a prosperous and attractive neighborhood.

Jim Dozberg from Directed Technology Drilling reported that the installation of the injection well has been completed, and he encouraged the Council to view the site.

Michael Garcia, Member of Local 1218, thanked the Council for Sand City's participation in this year's August 15-17, 2008 fundraiser for muscular dystrophy. The organization was able to raise \$20,000 dollars this year, and has been the biggest contributor to the muscular dystrophy association over the past 6 years with a total contribution of approximately \$120,000 dollars.

7:09 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 September 16, 2008 Sand City Council Meeting Minutes.
- B. There was no discussion of the Fort Ord Reuse Authority (FORA) Monthly Report, September 2008.
- C. There was no discussion of the 2008 League of California Cities Annual Conference Resolution Voting Report.
- D. There was no discussion of the City/Redevelopment Agency Financial Report, July 2008.
- E. There was no discussion of the Donation/Contribution to Jake Odello – Carmel High School Educational Program.

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

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

There were no items pulled.

7:10 p.m. Council Member Hubler arrived for the meeting.

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

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

- A. Associate Planner Charles Pooler presented an application for Conditional Use Permit 491 allowing a Fitness Gym at 495-C Elder Avenue. Jacob Tsytkin, applicant, proposes a fitness gym with group fitness classes and individual training. No water credits are required for this use. Classes will consist of calisthenics, weightlifting and cardio respiratory conditioning designed for all ages and fitness levels. The majority of the training will be conducted inside the building, with some exercise (primarily running) conducted outdoors. The property provides eighteen on-site parking spaces with another fifteen parking spaces across Elder Avenue. All parking is shared with the tenants of this building. Since a majority of the class times are outside the regular business hours, the existing parking should be able to accommodate limited size classes during those times. The applicant intends 1 hour long classes at 6:00 a.m., 12:00 noon, 5:00 p.m., and 6:00 p.m., Monday through Friday. Staff's main concern is the noise and vibration generated from weight lifting. Staff recommends approval of the conditional use permit.

7:14 p.m. Floor opened for Public Comment

Mr. Jacob Tsytkin commented that the noise generated from the use of the weight will be very minimal. He demonstrated to the Council how much noise a 25 lb. rubber weight plate would make when it hits the ground. Mr. Tsytkin appealed to the Council to reconsider allowing the gym to be opened at 6:00 a.m. since most of his clients exercise early and need to be at their work by 8:00 a.m.

Council Member Morris asked if the use of other equipment such as metal plates, normally used in gyms, would contribute to the noise level.

Mr. Tsytkin replied that the metal plates would not be touching the ground and should have no impact on the level of noise.

Todd Kruper, resident, expressed his concerns about the social activity in the area, and as with the restaurant on Ortiz, there is generally ambient noise.

7:18 p.m. Floor closed to Public Comment

Mayor Pendergrass added that with most conditional use permits, if there is a violation of the conditions of the permit, the permit may then be revoked.

The Council was in consensus to amend condition number 4 to change the hours of operation start time to 6:00 a.m. The applicant was in agreement with the conditions of the permit.

Motion to approve the City **Resolution** approving Conditional Use Permit 491 allowing a Fitness Gym at 495-C Elder Avenue was made by Council Member Pendergrass, seconded

by Council Member Morris. AYES: Council Members Carbone, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Blackwelder, Hubler. Motion Carried.

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

*{Council Member Carbone 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 a City Resolution for Council's consideration of a three year time extension of Site Plan Permit 06-05 and Design Permit 06-05 for Patrick Casey and his project at 1875 Oceanview Avenue. In 2006 development permits were issued to Patrick Casey for the modifications and building expansion of his property. Mr. Casey is requesting a time extension for three years until such time as his property accrues adequate value upon which to borrow. He intends to proceed with the project as soon as he is financially able. The applicant is not requesting any modifications or permit amendments. Staff recommends a time extension for Mr. Casey.

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

Mr. Patrick Casey communicated to the Council that he has no additional comments and is in agreement with the conditions of the permit.

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

Motion to approve the City **Resolution** approving a three year time extension of Site Plan Permit 06-05 and Design Permit 06-05 for Patrick Casey and his project at 1875 Oceanview Avenue was made by Council Member Morris, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Hubler, Morris. NOES: None. ABSENT: None. ABSTAIN: Council Members Carbone. Motion carried.

*{Council Member Carbone returned to the dais}*

- C. City Administrator Steve Matarazzo presented the consideration of a City Resolution approving a Coastal Development Permit (CDP) to partially grade and remediate a portion of Assessor's Parcel Number 011-501-016, known as the Granite Construction Company Coastal Property. Granite Construction Company has applied for a coastal development permit to perform this soil remediation before the transfer of ownership to Sand City. The City Council approved funding of fifty percent of the cost. The project manager, Kay Fernandez, estimates that approximately 300 cubic yards of soil will be removed from the site. Following receipt of a closure letter from the Monterey County Environmental Health Department (MCEHD), and per the draft conveyance agreement, the City will remit payment for service performed. Staff recommends approval of the attached resolution/permit approving a coastal development permit to partially grade and remediate the Granite Construction Coastal Property.

7:31 p.m. Floor opened for Public Comment

There was no comment from the Public

7:32 p.m. Floor closed to Public Comment

Mr. Matarazzo commented that if Sand City is required to clean the rip-rap located on the property, and the property remains as some form of open space, there should be grant funds available to perform the work.

Motion to approve the City **Resolution** approving a Coastal Development Permit (CDP) to partially grade and remediate a portion of Assessor's Parcel Number 011-501-016, known as the Granite Construction Company Coastal Property was made by Council Member Carbone, seconded by Council Member Morris. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- D. City Administrator Steve Matarazzo presented a City Resolution for Council's consideration to approve two applications for funding and the execution of related grant agreements from the Planning/Technical Assistance (PTA) allocation of the State Community Development Block Grant (CDBG) Program; Housing Element update and West End Street Revitalization Demonstration Project. One of the grant requests will be to fund a consultant to prepare the Housing Element Update, as required by law. The other grant request will be for a consultant team of "urban designers" to prepare design development or preliminary engineering drawing of a selected street within the West End, as recommended in accordance with the 2004 West End Parking Plan. The total cost for both projects is estimated to be \$131,250 dollars, of which \$26,250 would be Sand City's "local match". Leveraging City funds with State grant monies would be a good way to foster two important City projects. The Housing Element Update is required by State law to be completed this fiscal year. City funds are included in this year's budget to provide the local matching funds required by both grant applications. Staff recommends approval of the attached resolution directing Staff to apply for the PTA grants.

7:36 p.m. Floor opened for Public Comment

There was no comment from the Public

7:37 p.m. Floor closed to Public Comment

Motion to approve the City **Resolution** approving two applications for funding and the execution of related grant agreements from the Planning/Technical Assistance (PTA) allocation of the State Community Development Block Grant (CDBG) Program; Housing Element update and West End Street Revitalization Demonstration Project 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 8, OLD BUSINESS

- A. Todd Kruper, 2008 West End Event Coordinator, commented that this year's West End Event was a great success; and thanked the Council, and City Staff for their support and contribution. Mr. Kruper added that an honorable mention and special thanks go to Sand City's Public Works Staff, Harvey Drone, Richard Garza, and Fred Menezes for their time and efforts in ensuring that everything went smoothly. Mr. Kruper presented a powerpoint slide show of this year's event including the Friday night kick-off party, the Saturday event and Saturday night after-party. This year's event drew artists from as far north as San Francisco and Half Moon Bay. The event hosted a wonderful emcee, provided ten different venues, and had more families involved. The Design Center Plaza provided an excellent centralized location for the last six events. In conclusion, Mr. Kruper proudly reported that with the in-kind contributions, this year's event was under budget, and is looking forward to an even larger event in 2009.

Council Member Hubler commented that the Council went through a process to choose Mr. Kruper as the event coordinator, and recommends that the Council repeat this process for next year's West End Event.

Mayor Pendergrass added that approximately 4,000 people came to the event and there were in-kind contributions from small businesses and organizations. Mr. Kruper is to be commended for the wonderful job he did this year as the West End Event Coordinator.

- B. City Administrator Steve Matarazzo presented a City Resolution for Council's consideration to authorize the City Administrator to enter into a real property acquisition and donation agreement with Granite Construction Company regarding certain property known as the Granite Construction Coastal Site, Assessor's Parcel Number 011-501-016. On September 16, 2008 a negative declaration was issued by the City on the proposed ownership transfer of Granite Construction Coastal Site. The only City cost involved would be the payment in the amount of one-half the cost of the remediation work at a maximum of \$11,000 dollars, as authorized by the Council at a previous meeting. The property offers breathtaking views of the Monterey Peninsula, is relatively flat, and would make an ideal public event/public parking site in the future. As currently proposed, the site may also be added to the King Ventures proposed coastal resort as an area for overflow public parking. The suggested land uses will be subject to an environmental review before being permanently established. In the interim, this site has been used to host public events such as the tribute to the former County Supervisor Jerry Smith. The proposed property transfer would provide the City, at a nominal cost, a unique opportunity to control land use options, which would correlate with the objectives of the general plan, local coastal plan, and redevelopment plan. Staff recommends the adoption of the attached resolution authorizing the City Administrator to enter into a real property acquisition and donation agreement.

Mayor Pendergrass commented that this is truly a scenic and beautiful piece of land, and part of the California Coast.

Motion to approve City **Resolution** authorizing the City Administrator to enter into a real property acquisition and donation agreement with the Granite Construction Company regarding certain property known as the Granite Construction Coastal Site, Assessor's Parcel Number 011-501-016 was made by Council Member Pendergrass, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- C. City Engineer Richard Simonitch reported that the installation of the horizontal injection well by Directed Technologies Drilling (DTD) was successful. They are presently demobilizing and cleaning up the installation site. The next process is to clean the well internally to make sure that any dirt and debris during the installation process is removed. The wells will begin testing to see how well they percolate into the ground. This should begin within the next two weeks. Additional trenching is still in progress along Shasta Avenue. This needs to be done before any paving takes place of City streets. The roof of the desalination plant is scheduled to be installed before the change of weather. At this time, the City is still on schedule with the desalination project, and expects to be on line by March of 2009.

The equipment for the desalination plant is expected to arrive the first week of November. The Reverse Osmosis (RO) units will be arriving from Toronto, Canada. Staff also had a productive meeting with the Cal-Am operators, who have been more proactive since they need to be present in January to operate the plant and are currently working to finalize the operation manual. At this point in time, Staff is reporting that expenses are currently within budget.

City Administrator Steve Matarazzo reported that the City can charge a reasonable fee for water delivered to properties within Sand City. The cost for these fees will be discussed at a future Council meeting, including the need for a potential study of the issue.

Mayor Pendergrass suggested that the City needs to charge a reasonable rate that would equate to the cost of the plant's development. An outside consultant, to advise on this issue, is recommended so the Council can make a decision based on an impartial analysis.

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

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

- A. City Administrator Steve Matarazzo reported on the consideration of the General Plan and Local Coastal Plan Policies regarding the East Dunes Specific Plan and possible Council direction. Staff has met with three major property

owners, Mr. Jason Gil, Carmelo Trinagali, and David Wilson to discuss the possibility of "re-starting" the East Dunes Specific Plan process. These property owners are interested in selling their properties at this time. In 2002, when the General Plan was adopted, Wellington Homes was poised to complete a "specific plan" for the area, suggesting 171 dwellings. In the past, Staff has met with the U.S. Fish and Wildlife Service (USFWS) representatives and the Department of Fish and Game to deal with habitat issues. Both Agencies believed that a 4+ acre portion within the center of the East Dunes would better serve as habitat protection (see attached map). It is recommended that Council give further direction to Staff on how to proceed with the ultimate land use for this area, given the development constraints as indicated in Staff's report. The estimated cost of the Specific Plan would be approximately \$100,000 dollars (due to the cost of the Habitat Conservation Plan); and an accompanying Environmental Impact Report (EIR) would add at least another \$100,000 dollars. The City may want to consider a pro rata funding of the Specific Plan process with the property owners. State law allows the City to recoup the entire cost of a specific plan from benefiting property owners and developers.

Mayor Pendergrass added that the City not spend additional funds until the City has heard from the regulatory agencies involved with the habitat issue.

8:24 p.m. Mayor Pendergrass opened the floor for Public Comment.

Mr. Gill, property owner would like to see that the Specific Plan address the rights of the property owners who wish to develop their property as well. He looks forward to a transparent public process on the development of the East Dunes area.

8:26 p.m. Floor closed to Public Comment.

Mr. Matarazzo concluded that a future meeting with the property owners and the U.S. Fish and Wildlife Service (USFWS) would be scheduled to view the proposed project site.

The Council directed Staff to move forward with contacting the U.S. Fish and Wildlife Service (USFWS).

***{Council Members Carbone and Morris returned to the dais}***

- B. The Deputy City Clerk brought to the Council's attention upcoming meetings and events. There were no RSVP's.

## **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}*

There was Council consensus to reverse the order of the closed session items as listed.

8:28 p.m.

- A. Agency Board to adjourn to Closed Session:
  - 2) Pursuant to Section §54957 of the Ralph M. Brown Act for consideration of City Administrator Position to review Public Employee Performance Evaluation
  - 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

9:29 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
  - 2. No action taken on City Administrator's performance evaluation.
  - 1. Further direction given to property negotiator on Carroll Property.

## **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 October 21, 2008, 7:00 p.m. There was a unanimous consensus of the Council to adjourn the meeting at 9:30 p.m.

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Connie Horca, Deputy City Clerk