

MINUTES

JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – October 6, 2009
7:00 P.M.
CITY COUNCIL CHAMBERS

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

Police Chief Michael Klein led the Pledge of Allegiance

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

Staff: Steve Matarazzo, City Administrator
 Jim Heisinger, City Attorney
 Richard Simonitch, City Engineer
 Michael Klein, Police Chief
 Connie Horca, Deputy City Clerk
 Charles Pooler, Associate Planner

AGENDA ITEM 4, COMMUNICATIONS

- A. There were no written communications distributed.

Motion to add the Closed Session II urgency item regarding pending litigation, CalAm v. Seaside was made by Mayor Pendergrass, seconded by Council member Blackwelder. AYES: Council members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- B. Oral

7:02 p.m. Floor opened for Public Comment

There was no comment from the Public.

7:02 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 15, 2009 Sand City Council Meeting Minutes.
- B. There was no discussion of the Fort Ord Reuse Authority Report (FORA), September, 2009.
- C. There was no discussion of the City and Redevelopment Agency Treasury Report, June 2009.
- D. No discussion of City **Resolution** approving a 90-Day Time Extension of Conditional Use Permit 432 for Advanced Towing for continued storage of automobiles as an interim use within an existing building at 841 Fir Avenue. This item was not considered. The business is no longer operating in Sand City.
- E. There was no discussion of the City **Resolution** approving a 90-Day Time Extension of Conditional Use Permit 450 for Glass Mosaic Tile & Marble as a continuing interim use within an existing building at 1855-B East Avenue.
- F. There was no discussion of the City **Resolution** approving a 90-Day Time Extension of Conditional Use Permit 455 for Glass Mosaic Tile & Marble as a continuing interim use within an existing building at 840 Fir Avenue.
- G. There was no discussion of the City **Resolution** approving a 90-Day Time Extension of Conditional Use Permit 473 for Web Commerce LLC to continue their wholesale/retail operation as an interim use at 865 Fir Avenue.
- H. There was no discussion of the City **Resolution** approving a 90-Day Time Extension of Conditional Use Permit 481 allowing Monterey Bay Plumbing to continue their contractor operation as an interim use at 856 Tioga Avenue.
- I. There was no discussion of the City **Resolution** approving a 90-Day Time Extension of Coastal Development Permit 08-03 for Fit Athletics to continue their Fitness Center/Gym use as an interim use within an existing building at 880 Tioga Avenue.
- J. There was no discussion of the 2009 League of California Cities Annual Conference Resolutions Voting Packet.
- K. There was no discussion of the Denial of Claim by Kadria Catalano, 3/31/2009.

Motion to approve agenda items 5A-C, and E-K was made by Council member Blackwelder, seconded by Council member Carbone. 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.

AGENDA ITEM 7, PUBLIC HEARINGS

- A. Associate Planner Charles Pooler presented a Coastal Development Permit application submitted by Peter Aliotti to establish a window tinting and covering service business at 460 Orange Avenue. This item was continued from the September 15 City Council meeting due to allegations of improper business activity. These allegations included operating without a permit, display of a commercial sign without a permit, inadequate parking on the site, and trash containers being left out. The business is to be an out-call service. The draft permit prohibits servicing of vehicles on-site. Staff recommends the approval of the conditional use permit with the modifications suggested in an updated staff report.

Mr. Aliotti addressed the Council, and confirmed that his boat should be removed from the site by the end of the week. He does have members of the public stop by his shop to see samples, so there will be minimal traffic.

Council member Hubler commented that the City must meet certain standards and it has been very rare that use permits have been revoked due to businesses not remaining in compliance. The Council would like to see that issues mentioned in the permit are addressed.

In light of the circumstances, and due to the business being located within a residential area as well, Mayor Pendergrass recommended that the use permit be revised to a six month period, and brought before the Council for future review.

City Administrator Steve Matarazzo commented that condition #3 of the permit be amended to read: *The permit shall be in effect for a six month term from October 6, 2009. Following this term the permit shall be formally reviewed during a public hearing to allow or not allow the use to continue based on performance in accordance with the permit conditions.*

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

There was no comment from the Public.

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

Motion to approve the City **Resolution** approving Coastal Development Permit 09-03 authorizing a window tinting and covering service business at 460 Orange Avenue with the amended changes was made by Council member Pendergrass, seconded by Council member Hubler. AYES: Council members Blackwelder, Carbone, Hubler,

Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

{Council member Hubler 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 submitted by Bernard Cullen to establish a "wood artistry" workshop at 613-A Ortiz Avenue. The workshop will be used for the production of cabinetry, planters, lamps, wall art, jewelry, and other miscellaneous items. Since the proposed use is for light manufacturing with potential impacts on neighboring residential dwellings, staff recommends all manufacturing activities not commence until after 8:00 am and cease before 5:00 p.m. Monday through Friday, and not commence after 10:00 a.m. and cease before 5:00 p.m. on weekends. At the time of manufacturing the roll-up doors should remain closed when the table saw, metal pounding, or other power tools are being used. Staff views this light manufacturing use as compatible with a mixed use environment and recommends approval of the use permit.

7:24 p.m. Floor opened for Public Comment.

There was no comment from the Public.

7:24 p.m. Floor closed to Public Comment.

Mr. Bernard Cullen is in agreement with the conditions of the permit.

Council member Kruper commented on the potential odors emanating from the kilns.

Mr. Cullen replied that he does not do any ceramic glazing and the scale of work is light and minimal.

Mr. Pooler added that the applicant is aware that proper ventilation is part of the permit conditions.

Motion to approve the City **Resolution** approving Conditional Use Permit 501 allowing a limited scale metal and wood artistry workshop at 613-A Ortiz Avenue was made by Council member Kruper, seconded by Council member Blackwelder. AYES: Council members Blackwelder, Carbone, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council member Hubler. Motion Carried.

{Council member Hubler returned to the dais}

AGENDA ITEM 8, CLOSED SESSION

Exhibit B to the Lease Agreement was distributed to the Council.

7:25 p.m.

- A. City Council/Agency Board adjourned to Closed Session to confer with Real

Property negotiator in accordance with Section 54956.8 of the Ralph M. Brown Act, regarding an Amended and Restated Lease Agreement with California American Water.

7:39 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.

The Council gave direction to the City Administrator with regard to issues in the lease agreement.

AGENDA ITEM 9, OLD BUSINESS

- A. City Attorney Jim Heisinger presented a City Resolution for an Amended and Restated Lease Agreement with California-American Water that authorizes the City Administrator to sign this lease with the understanding that the rent payments for the second fifteen years is still to be finalized. The Council has given direction to the City Administrator with regard to that issue. Based on the direction given to the City Administrator in closed session, the City Attorney recommended that the resolution be changed to strike out the phrase: *for a term of 30 years*. There was Council consensus to approve the changes to the title of the resolution.

Motion to approve the City **Resolution** authorizing the City Administrator to enter into a Lease Agreement with California-American Water (CAW) to operate and maintain the Sand City Water Desalination Facility and Related Infrastructure as amended was made by Council member Carbone, seconded by Council member Hubler. AYES: Council members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- B. City Engineer Richard Simonitch reported that in a conversation with the Association of Monterey Bay Area Governments (AMBAG), they were processing another \$25,000 grant for the water supply project variable frequency drives (VFD) pumps as part of the economic stimulus monies for energy savings. AMBAG is confident that Sand City will receive this grant funding because the variable frequency drives (VFD) project cost is over \$160,000. CDM, the design/build contractor for the water supply project, is applying for a design award for the desalination plant with the Association of Civil Engineering Consultants (ACEC). They are a well known civil engineering and construction organization - both nationally and internationally. The application is being submitted on behalf of Sand City to receive an award for design excellence.

The Prop 1B Street work is proceeding with a few minor delays. P.G & E. is trying to find the most effective solution to change a 1" pipe. The P.G & E. crew has been notified and are working on getting the gas lines changed. Mr. Simonitch concluded that he is confident that once the street has been re-formed, it will look really great.

Council member Hubler commented on the street work, and is aware that there is a process of letting the business owners know when street work will commence. There have been instances where these business owners were not notified well in advance and were caught off guard. He suggested that a few weeks notice of at least 30 days in advance, informing the business owners, possibly in person, would help these business owners be prepared for impending street work.

Mr. Simonitch reported that the Beach Coastal Access project will go out to bid once heavy equipment is no longer needed near the location.

City Administrator Steve Matarazzo reported that Sand City has applied for an "immaterial amendment" to the Desal Coastal Development Permit which was submitted last week. Sand City's contact, Mike Watson had previously communicated that the plant can be operated as soon as the Bay Avenue coastal access project is moving forward.

AGENDA ITEM 10, NEW BUSINESS

- A. Police Chief Michael Klein presented a City Resolution for a COPS Hiring Recovery Program (CHRP) Grant, as part of the American Recovery and Reinvestment Act of 2009 (ARRA). In March of this year, the Federal government announced a funding grant competition to hire new officers or rehire police officers laid off due to the economic downturn. Marina and Sand City were the only two cities on the Peninsula awarded this grant. If the grant is accepted, the only stipulation is that Sand City fund the fourth year with City generated funds.

The City Administrator added that should the economy stay the way it is and the budget not improve much, that fourth year funding is all the City can do. Hopefully, during the fourth year of the grant the police department may experience some attrition due to retirement making the transition a smooth one.

Motion to approve the City **Resolution** approving a \$395,955 COPS Hiring Recovery Program (CHRP) Grant to hire a Police Officer for a minimum term of 4 years in accordance with grant requirements was made by Council member Blackwelder, seconded by Council member Kruper. AYES: Council members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

Mayor Pendergrass reported that he had a successful meeting with Jim Senegal, the President of Costco, in regard to the development of a Costco gas station at the Sand Dollar location.

- B. Mayor Pendergrass reminded the Council of the barbeque on Saturday October 10, 2009.

AGENDA ITEM 11, CLOSED SESSION II

8:24 p.m.

- A. City Council/Agency Board to adjourn to Closed Session to confer with Legal Counsel:
1) Regarding pending litigation in accordance with Section 54956.9(c) of the Ralph M. Brown Act, *CalAm v. Seaside*

8:30 p.m.

- B. Readjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with Section 54957.1 of the Ralph M. Brown Act

City Attorney to file a brief in opposition to the Monterey Peninsula Water Management District's appeal.

AGENDA ITEM 12, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council member Hubler, seconded by Council member Carbone to the next regularly scheduled Council meeting on October 20, 2009 at 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:31 p.m.

Connie Horca, Deputy City Clerk

