

MINUTES

JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – December 1, 2009
7:00 P.M.
CITY COUNCIL CHAMBERS

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

The invocation was led by Reverend Carl Kelleher.

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

AGENDA ITEM 4, COMMUNICATIONS

A. Written communication distributed to the Council was a Resolution/Permit Exhibit "A" (agenda item 7A) regarding Conditional Use Permit 502.

B. Oral

7:05 p.m. Floor opened for Public Comment

There was no comment from the Public

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

Mayor Pendergrass announced the upcoming Tree Lighting Ceremony on Friday, December 4, 2009 from 6:00-8:00 p.m. Mr. & Mrs. Claus will be arriving on a Fire Truck and refreshments will be available to the public.

Council Member Hubler commented that the Arts Exhibits currently displayed in the Council Chambers are from various artist such as Johnny Apodaca, Joe Holt, John Chappell and Marilet Pretorius.

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 Sand City Council Meeting Minutes, November 17, 2009.
- B. There was no discussion of the City **Resolution** authorizing a Fee Increase for Waste Management Services effective January 1, 2010.
- C. There was no discussion of the Fort Ord Reuse Authority (FORA) Report, November, 2009.
- D. There was no discussion of the City/Redevelopment Agency Financial Report, September 2009.
- E. There was no discussion of the following donations/contributions to the SPCA of Monterey County for \$250, the Arts Habitat for \$500, and Meals on Wheels for \$250.

Motion to approve the Consent Calendar items was made by Council Member Kruper, seconded by Council Member Blackwelder. 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. Charles Pooler, Associate Planner presented Conditional Use Permit 502 allowing a Fitness Gym to relocate at 337-B Olympia Avenue (this item continued from the November 17 Council Meeting). At the last Council meeting Staff recommended to deny the permit due to inadequate parking for group classes. New class times were discussed and arranged to avoid traffic congestion in the area. The resolution/permit exhibit "A" distributed earlier authorized Crossfit Monterey to use tenant and business on-site parking along the frontage of their location during the hours of 6:00 a.m. to 8:00 a.m.; 5:00 p.m. to 8:00 p.m. Monday through Friday, and between the hours of 10:00 a.m. and 5:00 p.m. on Saturdays. Staff is recommending a one year time limit on the permit, and the business owner was in agreement with the proposed changes.

Council Member Kruper expressed his thanks to Staff for taking the extra effort to research and find a viable solution that would allow Crossfit Monterey to continue their business in Sand City.

7:12 p.m. Floor opened for Public Comment.

Ryan Charles, co-owner of Crossfit Monterey confirmed his agreement with the changes and conditions to the conditional use permit. He also thanked the City Council for their support in allowing his business to continue to operate in Sand City.

7:14 p.m. Floor closed to Public Comment.

Council Member Hubler commented that he was impressed with the efforts of the property owner and tenants to clean the debris from the property. The Mayor also noted that he reviewed the property with the City Administrator and found that the property was cleaned up.

Motion to approve the City **Resolution**, approving Conditional Use Permit 502 for a Fitness Gym at 337-B Olympia Avenue was made by Council Member Carbone, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

AGENDA ITEM 8, OLD BUSINESS

- A. City Engineer Richard Simonitch reported that the desalination plant is presently inoperable while well pumps are being installed. The wiring and computers should be in some time during the following week. A meeting is scheduled with CalAm and CDM Constructors to strategize responses to any Department of Public Health (DPH) inquiries. A full report will be presented to the Council at the next Council meeting. Also, an upcoming meeting is scheduled with the Seaside Sanitation District this week to discuss proposed sewer maintenance at Contra Costa and Ortiz, connecting to the Bay Street outfall.

The results for the Bay Avenue Coastal Access Project were received with eleven bids submitted. The apparent low bidder was Garcia Engineering for \$144,159.00. This was positive news as the engineers estimate was \$177,478.50, with the City budget falling somewhere in the middle of both amounts. The Prop 1B Street Improvement Project is nearing a close. The street striping will be the final phase which is due to be completed this week.

Council Member Kruper acknowledged the good job the contractors have done.

Mayor Pendergrass commented that P.G.&E. should pay for certain temporary curb improvements since they did not move the poles prior to the start of the street improvement project. Staff was directed to contact P.G. & E. as soon as possible to have the poles moved.

City Administrator Steve Matarazzo reported that he met with representatives of the State Housing and Community Development Department (HCD)

regarding the draft Housing Element, and discussed the South of Tioga project with the proposed 200+ dwelling units. Many of the points addressed by HCD Staff were positive, and Staff should have a full report to the Council by the second meeting in January.

AGENDA ITEM 9, NEW BUSINESS

- A. City Administrator Steve Matarazzo presented the Coastal Commission recommendation for denial of the Monterey Bay Shores Ecoresort project. The project will go before the Coastal Commission at the December 11, 2009 meeting in San Francisco. City Staff will request a continuance of the item to a future meeting some time next summer. Mr. Ghandour, the project applicant, will do the same. Staff is presently drafting a letter with the assistance of the City Attorney, and to be signed by the Mayor, letting the Coastal Commission know the community has worked well with the Commission staff over the past 15 years. The letter will cite all the approvals the City has received lately, such as unanimous approval of the desalination plant, approval of the bike trail, and the bike path. The City has incorporated these requirements into the Local Coastal Plan (LCP), and has fulfilled many of the suggestions made by the Coastal Commission, such as clustering land use planned for designated projects. The City has done everything possible to conform to what the Coastal Commission wants, even as they have transitioned their opinions through the years. Staff is hopeful that the Coastal Commission will reconsider the denial of Mr. Ghandour's project, and that their Staff will meet to discuss the requirements of the LCP.

City Attorney Jim Heisinger added that City Staff will ask the Coastal Commission to grant a continuance prior to the closed session hearing to discuss the pending lawsuit. If granted, it will be an opportunity for the City to sit down with the Coastal Commission staff to discuss, what-if any, project will you allow Sand City to develop if they are not in favor of Mr. Ghandour's eco-friendly resort. Mr. Heisinger will also be representing the City to emphasize that the Monterey Bay Ecoresort is in compliance with the adopted LCP, and to protect the legal standards of the LCP itself.

Mayor Pendergrass expressed that he is hopeful Mr. Heisinger will be able to convince the Coastal Commission that this project meets the required standards.

- B. West End Event Coordinator Deirdre Bascou reported on the income and expenditures of the 2009 West End Event. She distributed a copy of the budget to the City Council, which showed the monetary amount for revenues on ticket sales, donations, and merchandise sales; as well as the total expenditures for both the Friday night and Saturday events. This year, the event remained within budget, and was also able to generate a \$4,000 dollar donation to a 501(C3) organization, "Guitars not Guns". There was a positive response to the attendance this year. She gave thanks to all who participated. Charging outside vendors and artists made a difference in this year's budget, allowing the event to give back to the community as well. The

funds spent on advertising were far less than the return of in-kind advertising donations. Monterey Mattress donated a total of \$6,000 dollars in radio, television, and print advertisements to the event this year alone. The goal for next year's event is to utilize the website for improved advertising as well as making the applications and forms more readily available. Mrs. Bascou concluded that she is looking forward to expanding the 2010 West End Event, which she hopes to be bigger and better.

Council Member Kruper requested a list of vendors and those who contributed/donated to the event. City staff will have the list available as requested.

- C. The Deputy City Clerk brought to the Council's attention the upcoming meetings and events, and confirmed RSVP's to the Rabobank mixer on December 9, 2009.

AGENDA ITEM 10, CLOSED SESSION

8:03 p.m.

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

- 1) *CalAm v. Seaside*
- 2) *State Water Resources Control Board Order WR 2009-0060*
- 3) *Monterey Peninsula Water Management v. State Water Resources Control Board (No. M102101)*
- 4) *CalAm v. State Water Resources Control Board*

8:25 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 City Council took unanimous action on agenda item 10A (3) authorizing and directing the City Attorney to move the court for an order allowing the City to intervene on the side of Monterey Peninsula Water Management District in that case.

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Kruper, to the next regularly scheduled Council meeting on December 15, 2009 at 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:26 p.m.

Connie Horca, Deputy City Clerk