

MINUTES

JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – August 4, 2009
7:00 P.M.
CITY COUNCIL CHAMBERS

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

The Invocation was led by Reverend Carl Kelleher

The Pledge of Allegiance was led by Chief Michael Klein

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

ABSENT: Council Member Blackwelder (excused)

Staff: Steve Matarazzo, City Administrator
 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 were an announcement of the upcoming events hosted by the Monterey Peninsula Chamber of Commerce and a chart showing the amount the State will be borrowing from Sand City.

B. Oral

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

Michael Morris, resident, distributed a letter to the Council and Staff. Mr. Morris read the letter that expressed his comments on the road improvement plan to mitigate the traffic impact of the proposed In & Out Burger. His primary concern was the amount of space to construct new streets and the safety of cars entering and exiting from Tioga Avenue. He also added that several factors should be included in the traffic study such as the pending DBO Development Project, the lane improvements

to the 218 interchange, and the possibility that 100 feet of newly constructed sidewalks would cut into a habitat area. Mr. Morris proposed that the City Council schedule a study session on the In & Out Burger project so other residents may voice their concerns as well.

City Administrator, Steve Matarazzo commented that a Public Workshop can be held inviting the community to voice their concerns. In and Out Burger may welcome a public workshop some time in the future on this proposed project.

Mayor Pendergrass directed Mr. Morris to contact City Staff on the progress of the In & Out project.

7:12 p.m. Floor closed to Public Comment.

AGENDA ITEM 5, CONSENT CALENDAR

- A. There was no discussion of the July 21, 2009 Sand City Council Meeting Minutes.
- B. There was no discussion of the City **Resolution** approving a 1-Year agreement with the Monterey County Weekly for continued participation of co-op advertisements during the 2009/10 Fiscal Year.
- C. There was no discussion of the City **Resolution** honoring Paulette Lynch in recognition of her contribution to the Arts and to the 25th Seaside Jazz Art Show.
- D. There was no discussion of the City **Resolution** honoring Billy DeBerry in recognition of his support to the Arts and to the 25th Seaside Jazz Art Show.
- E. There was no discussion of the City **Resolution** recognizing Dave Pacheco for organizing the Annual Seaside Jazz Art Show.
- F. Item 5F, regarding the City **Resolution** authorizing change orders to existing contracts for the Design and Construction of the Sand City Water Supply Project to Authorize Construction of an additional Brackish Water Intake Well was pulled for Council discussion.
- G. There was no discussion of the receipt of the 2009 League of California Cities Resolutions Packet and Notice of League Annual Meeting.

Motion to approve Consent Calendar items 5A-E, and 5G was made by Council member Carbone, seconded by Council member Hubler. AYES: Council members Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: Council member Blackwelder. ABSTAIN: None. Motion Carried.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

Item 5F was pulled for further Council consideration. Mayor Pendergrass commented that he is supportive of the cost increase; however, there was no stipulation in the contract that the new well would be in the right place.

The City Engineer Richard Simonitch reported that the new well will be drilled approximately 25' from the existing Tioga well #4. This area is at the same salinity level as the well that is currently producing. The consultant, Mr. Feeney is confident that the drilling company has the expertise to accomplish the well development within several days.

Council member Kruper had a question on the success of the project and would it cost the City additional funds to construct another well should this well not be operable.

Mr. Simonitch responded that there would be additional cost associated with constructing another project.

Mayor Pendergrass commented that this well should be successful so that the desalination plant can proceed from this point forward.

Motion to approve the City Resolution authorizing change orders to existing contracts for the Design and Construction of the Sand City Water Supply Project to Authorize Construction of an additional Brackish Water Intake Well was made by Council member Pendergrass, seconded by Council member Kruper. AYES: Council members Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: Council member Blackwelder. ABSTAIN: None. Motion Carried.

AGENDA ITEM 7, PUBLIC HEARING

A. Associate Planner Charles Pooler presented an application for a Coastal Development Permit and Conditional Use Permit regarding a studio proposed at 490-B Orange Avenue. The applicants, Tyson Bode and Marie Greco proposes to use the studio for displaying self-created designs to perform tattoo applications with two employees who will schedule appointments. There is adequate parking with three spaces designated for the establishment. Staff recommends a closing time of 8:00 p.m. Monday through Sunday which is more appropriate for this business in a mixed-use district. The proposed use will generate bio-hazardous waste, and the applicant states that they will contract for the proper disposal of needles and razors. The permit should require a copy of said agreement be provided to the Planning Department so long as the business continues to remain active. The applicants state that they have a 'body art' operator's card issued by the Monterey County Health Department, pending the approval of the business location. Prior to the commencement of the proposed use, the applicant must provide to the City Planning Department all State and County licenses/permits. Failure to provide said documents may be grounds for termination of the use permits subject to the recommended conditions/restrictions. A business license should not be issued until all documentation required by the permit is provided to the City's Planning

Department.

7:29 p.m. Floor opened for Public Comment.

The applicant Tyson Bode commented that he has been an artist for this industry for well over ten years. He desires to evolve this industry towards a more positive focus as an art form rather than the 'traditional' tattooing. After researching other local establishments, he would like to bring something different to the industry, and found that Sand City would be an ideal location for his business.

Council member Hubler mentioned that he was informed that art work will also be displayed in the shop.

Mr. Bode added that his fiancé is an artist as well, and she will be displaying her art in the studio.

Mayor Pendergrass asked the applicant if he was in agreement with the conditions of the permit, including the early closing time.

The applicant was in agreement with the conditions.

7:34 p.m. Floor closed to Public Comment.

Council member Hubler commented that he was impressed with Mr. Bode's professionalism and background.

Mayor Pendergrass added that the connotation of a 'tattoo' has been figuratively negative, now it has taken on a new meaning as an art form.

Motion to approve City **Resolution** approving Coastal Development Permit 09-02 and Conditional Use Permit 497 regarding a tattoo studio proposed at 490-B Orange Avenue, within the CZ-MU-P (coastal-planned mixed use) zoning district was made by Council member Kruper, seconded by Council member Hubler. AYES: Council members Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: Council member Blackwelder. ABSTAIN: None. Motion Carried.

AGENDA ITEM 8, OLD BUSINESS

- A. City Engineer Richard Simonitch reported that the bid opening was held for the Prop 1B Street Improvement Project. Fifty percent of the bid proposals were over the engineer's estimates and the other half fell below. A full report will be presented to the City Council at the August 18 Council meeting.

The contractors who will be awarded the bid are aware that the project will commence without the removal of the poles. The project is designed so that the street improvement may begin without waiting for P.G. & E. to move the poles. If the poles need to be moved at a later time, P.G. & E. will do so at their cost.

A pump at the desalination plant caused a temporary shut down during the

week, but the plant should be operational with 24 hours for continued testing. The State Department of Public Health (DPH) will be conducting an initial walk through on Thursday.

A forty-five minute presentation to the Southwest Membrane Association was held regarding the design/build of the desalination plant. Mayor Pendergrass was present to welcome the attendees. CDM will be interviewed by Engineering News Record, a major magazine publication, on the construction of the desalination plant.

City Administrator Steve Matarazzo reported that Mr. Johnson of the Housing and Community Development Department is currently reviewing the draft Housing Element, and has noted a few minor comments. He also mentioned how impressed he was that a small city can accomplish a major water project.

A major retailer has contacted the property management firm expressing interest in the former Circuit City site. Also, Mr. Rob Cruz from P.G. & E., would like to present the \$96,000 rebate for the energy recovery system at the desalination plant once it has been fully approved and operational.

Associate Planner Pooler added that Northwest Signs has picked up the logo materials for the desalination plant monument sign. The construction of the masonry pillars has been sub-contracted and the landscaping and irrigation are being coordinated by the Planning Staff and the Public Works Department.

AGENDA ITEM 9, NEW BUSINESS

- A. Mr. Dave Watson from King Ventures presented an update on "The Collections at Monterey Bay" a proposed coastal resort within Sand City's coastal zone. King Ventures has spent some time reviewing the project since their last presentation, and it has been re-designed based on the Administrative Draft Environmental Impact Report (EIR) analysis. The project has taken information from the draft EIR to come up with a plan that had been mitigated by the consultants. The proposed plans reflects 340 hotel rooms, a conference center on the north site, a down-sized spa and wellness area, with over 40,000 square feet of construction. The basic concept of the design includes a garage at the lowest level, with the building tucked into the dune scape, using 26 acres of land including the McDonald, Sterling and parts of the Granite Rock site. The main access to the resort will be from Playa Avenue and the coastal trail has been reoriented to run on the project side of the street. The design is made of Carmel Stone and marble, and updated to reflect the natural surrounding environment. The current design has provided enough space on the erosion line should the bluff recede, and still have sufficient public access.

Mr. Watson distributed a visual concept of the building. He added that the new redesign should address the issues the Administrative Draft EIR has raised; and he is excited to unveil the modified project to the public.

Mayor Pendergrass thanked Mr. Watson for his presentation and is looking

forward to seeing a full presentation of the project some time in the fall.

- B. The Deputy City Clerk brought to the Council's attention the upcoming Leadership Luncheon on Wednesday, August 26 at the Monterey Marriott Hotel. The Council, Mayor, and Chief of Police are invited to sit on the panel. There were no additional reservations.

AGENDA ITEM 10, CLOSED SESSION

8:06 p.m. 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*.
- 2) Regarding pending litigation in accordance with Section 54956.9(c) of the Ralph M. Brown Act, *State Water Resources Control Board Order WR 2009-00XX*.
- 3) To confer with real property negotiator in accordance with Section §54956.8(b) of the Ralph M. Brown Act, Agency negotiator Steve Matarazzo, Executive Director
 - a) Regarding Sand City Desalination Plant, 321 Shasta Avenue and California American Water.
 - b) Regarding acquisition of property Parcel No.011-189-009, 011-189-018, 011-189-019, 011-194-018.

9:13 p.m. City Council/Agency board re-adjourned 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.

10 (1, 2) Direction was given to the City Attorney.

10 (3 a, b) Direction was given to Property Negotiator.

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Kruper, seconded by Council Member Hubler, to the next regularly scheduled Council meeting on August 18, 2009 at 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 9:15 p.m.

Connie Horca, Deputy City Clerk