

# MINUTES

## JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

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Regular Meeting -February 16, 2010  
7:00 P.M.  
CITY COUNCIL CHAMBERS

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

Invocation was led by Reverend Robert Hellam.

The Pledge of Allegiance was led by Police Chief Michael Klein.

Present: Council Member Blackwelder (excused absence)  
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  
Charles Pooler, Associate Planner  
Connie Horca, Deputy City Clerk

### AGENDA ITEM 4, COMMUNICATIONS

- A. Written communication distributed to the Council was an invitation from the Monterey County Health Department to Mr. Len Foster's retirement celebration, a workshop hosted by CSUMB on Thursday, February 25, 2010 on Campus Climate Action: Planning and Green Jobs, 'Focus the Region' and the 3<sup>rd</sup> Quarter Report of Sand City Sales Tax Update.

Mayor Pendergrass motioned to continue Closed Session Agenda Item 10B to the March 2, City Council meeting due to Council member Blackwelder's absence. The Council was in consensus to continue the item to the March 2, 2010 City Council meeting.

- B. Oral

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

There was no comment from the Public.

7:04 p.m. Floor closed to Public Comment.

Mayor Pendergrass displayed the plaque awarded to CDM by the American Council of Engineering Companies (ACEC) for the construction of the Sand

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City Brackish Water Treatment Facility. This award represented a good choice of consultants who provided an excellent design of the desalination plant.

## 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 on the annual review of the Conditional Use Permits (CUP) and Coastal Development Permits (CDP) listed below.
  - (1) CUP #212 Nicholas Olivio, (Recording Studio), 1745 Hickory Street.
  - (2) CUP #448, Mike Houser, (Shirt Printer), 542 #4 Ortiz Avenue.
  - (2) CUP #471, Peninsula Plumbing, (Contractor), 749 Dias Avenue.
  - (4) CDP #93-01, Max Wholesalers, (Manufacturing), 325 Elder Avenue.
  - (5) CDP #98-01, James Davi, (Contractor), 1815-E Contra Costa Street.
  - (6) CDP #07-01, Sato Racing, (Wholesale), 2-John Street.
- B. There was no discussion of the Sand City Council Meeting Minutes, February 2, 2010.
- C. There was no discussion of the Police Department Report, January 2010.
- D. There was no discussion of the Public Works Monthly Activity Report, January 2010.
- E. There was no discussion of the City **Resolution** Honoring Woody Kelly, Monterey Peninsula Chamber of Commerce 2009 Robert C. Littlefield Award Recipient.
- F. There was no discussion of the City **Resolution** Honoring David Armanasco, Monterey Peninsula Chamber of Commerce 2009 Citizen of the Year Award Recipient.
- G. There was no discussion of the City **Resolution** Honoring Dr. Jim Tunney as the Monterey Peninsula Chamber of Commerce 2009 Ruth Vreeland Public Official of the Year Award Recipient.
- H. There was no discussion of the City **Resolution** Honoring Laura Davis, Monterey Peninsula Chamber of Commerce 2009 Volunteer of the Year Award Recipient.
- I. There was no discussion of the City **Resolution** Honoring California State University Monterey Bay as the Monterey Peninsula Chamber of Commerce 2009 "Business of the Year" Award Recipient.
- J. There was no discussion of the Redevelopment Agency **Resolution** authorizing a Commercial Lease Agreement Extension (Second Amendment) between the Sand City RDA, as the Lessor, and the Gostanian General Building Corporation, as the Lessees for the temporary use of Agency Property (APN 011-243-002 & 006), and Existing Fenced Yard for the Storage of a Mobile Office Trailer and related business activities.

- K. There was no discussion of the City/Redevelopment Agency Quarterly Treasury Report, December 2009.
- L. There was no discussion of the City/Redevelopment Agency Monthly Financial Report, January 2010.
- M. There was no discussion of the City **Resolution** Recognizing Dr. Bettye J. Saxon, Ed.D as the 2010 NAACP Spirit of Partnership Award Recipient.
- N. There was no discussion of the City **Resolution** Recognizing Agnes Tebo as the President's Award Recipient of the NAACP for her Courage and Fortitude to the Challenges of her Life and for her Accomplishments and Lifelong Dedication to the Community.

Motion to approve the Consent Calendar items was made by Council member Kruper, seconded by Council member Carbone. AYES: Council members Carbone, Kruper, Hubler, Pendergrass. NOES: None. ABSENT: Council member Blackwelder. 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. City Administrator Steve Matarazzo presented, for Council consideration and approval, the City **Resolution** adopting the Housing Element Update 2009-2014 of the General Plan (this item was continued from the February 2, 2010 Council Meeting). Mr. Matarazzo received communication that the State Housing Department is presently writing a letter to approve the Housing Element Update. One final change was added (Attachment 3) that identifies the South of Tioga area. The added language is to read: *Sites identified in Table 41 within the South of Tioga Area are currently General Planned, and will be zoned, to MU-P allowing for mixed-use development densities of 23 units per acre. The City, however, is continuing to work with a developer who has invested \$16 million to assemble lots identified in Table 41 in the South of Tioga area in preparation of a master plan for the area. As part of the Master Plan development, the City will ensure at least 3 acres within the South of Tioga area are designated and zoned for higher density residential development and minimum densities of 20 units per acre to ensure adequate capacity is available to accommodate the City's remaining regional need for lower income households of 37 units. The sites will be zoned to permit owner-occupied and rental multifamily uses by-right; and permit at least fifty percent (50%) of the remaining need for lower-income households (19 units) on sites designated for only residential uses.* Another change made will be to the Time Frame that will read: *As the South of Tioga Master Plan is developed.* Staff recommends approval of the attached Housing Element with the incorporated changes.

7:11 p.m. Floor Opened for Public Comment.

There was no comment from the Public.

7:11 p.m. Floor Closed to Public Comment.

Motion to approve the City **Resolution** adopting the Housing Element Update 2009 2014 of the General Plan as amended was made by Council member Carbone, seconded by Council member Kruper. AYES: Council members Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: Council member Blackwelder. ABSTAIN: None. Motion Carried.

- B. Associate Planner Charles Pooler presented for Council consideration a City Resolution for Bernie & Kirsten Riphenburg of Visions Design Center allowing a distribution and delivery center at 783 Redwood Avenue. The business sales and showroom site is located in the City of Pacific Grove. The Sand City location will be used for storage and shipment purposes. Since 2007, Visions Design Center has operated at 370 Shasta Avenue, and are now in need of additional space. The building is a 10,000 square floor single floor warehouse, and will be used to store doors, windows, and cabinets. There will be no manufacturing. An on-site accessory office will be provided for a manager and 1-2 employees. The applicant will receive approximately 4-5 deliveries in the morning, and a delivery truck will be stored on-site for clients. Staff recommends that loading/unloading be allowed only on Redwood Avenue during normal business hours. On-site striping for parking, as illustrated in Exhibit C of the staff report, is also suggested. Staff recommends approval of the attached coastal development permit.

Council member Kruper asked if the applicant has contacted the business adjacent to his location, and whether or not it will interfere with his proposed use.

7:15 p.m. Floor Opened for Public Comment.

The applicant Mr. Riphenburg commented that there should be no problem with the adjacent business owner's daily activity.

Pete Ericksen, listing agent approached the Council and communicated that since the building has a lot of space, the north half may be rented to another tenant at a future time with appropriate fire wall separations.

City Engineer Richard Simonitch inquired if the applicant understood the condition for the railroad spur be paved over.

Mr. Riphenburg commented that the lease is on a yearly basis. If he were to re-locate within one year, it does not seem cost effective to repave the railroad spur. However, he is not opposed to having the re-stripping done as requested, and is in agreement with the conditions of the coastal development permit as it was sent to him.

7:22 p.m. Floor Closed to Public Comment.

There was Council discussion regarding the pavement condition, but it was a consensus to leave the language with the words "It is recommended..." in

the permit condition.

Motion to approve the City **Resolution** approving Coastal Development Permit 10-01 for Bernie and Kirsten Riphenburg of Visions Design Center allowing a distribution and delivery center at 783 Redwood Avenue as recommended without change 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 Bay Avenue Coastal Beach Access Project is presently under construction and moving forward. The permit for the desalination plant is being reviewed with the Department of Health (DPH). Cal-Am has been keeping the plant running, making sure that the membranes are flushed and that the components are fully operational.

City Administrator Steve Matarazzo added that he contacted Gary Hoffman of DPH, and Sand City should have the final permit by the end of the month.

Council member Kruper reported that the non-profit organization "Guitars not Guns" will be holding their first class at the Rancho Cielo Youth Campus next month. It was because of Sand City's donation and support of this organization that these classes will be offered, and he thanked the Council for their continued support through the West End Celebration.

Council member Hubler announced that an Art Show sponsored by the Sand City Arts Committee will run for one month beginning March 20, 2010 at the Sylvan Design & Art Gallery at 613 Ortiz Avenue.

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

- A. Mayor Pendergrass reminded the Council of the upcoming Monterey Peninsula Chamber of Commerce 102<sup>nd</sup> Annual Awards Dinner to be held on Saturday, February 27, 2010, and to save the date for the Tri-County Regional Economic Forum to be held on April 23, 2010. The Deputy City Clerk did not take any additional RSVP's.

## **AGENDA ITEM 10, CLOSED SESSION**

7:35 p.m.

- A. The City Council /Agency Board adjourned 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*
- 5) *Security National Guaranty, Inc. v. California Coastal Commission*

- B. Pursuant to Section §54957 of the Ralph M. Brown Act, Public Employee Performance Evaluation: City Administrator. This item has been continued to the March 2, 2010 City Council Meeting.

7:40 p.m.

- C. The City Council/Agency Board readjoined 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 received a report on items 1, 3, and 5 from the City Attorney. No report on items 2 and 4.

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

Motion to adjourn the City Council meeting was made by Council member Carbone, seconded by Council member Kruper to the next regularly scheduled Council meeting on March 2, 2010 at 7:00 p.m. There was consensus of the Council to adjourn the meeting at 7:42 p.m.

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Connie P. Horca, Deputy City Clerk