

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

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Regular Meeting – June 1, 2010  
7:00 P.M.  
CITY COUNCIL CHAMBERS

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Mayor David 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 of Police Michael Klein.

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, Chief of Police  
Charles Pooler, Associate Planner  
Connie Horca, Deputy City Clerk

**AGENDA ITEM 4, COMMUNICATIONS**

A. Written communication distributed to the Council was a revised resolution authorizing entry into a Joint Powers Agreement for a Monterey County Regional Taxi Authority that includes an addendum by the Monterey Peninsula Airport District (agenda item 9A).

B. Oral

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

Margie Anderson introduced herself to the City Council as a new resident to Sand City. She was in attendance at the Desalination Plant Grand Opening and the 50th Anniversary Annual Barbeque, and commented on how privileged she was in being able to live in such a great community. As an avid walker, she informed the Council that the bushes on the sidewalk near Granite Rock needed to be removed as it makes it difficult to walk there.

Mayor Pendergrass directed Ms. Anderson to contact Sand City's Public Works Supervisor to address the issue.

7: 06 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 Sand City Council Meeting Minutes May 18, 2010.
- B. There was no discussion of the Fort Ord Reuse Authority (FORA) Monthly Report, May 2010.
- C. There was no discussion of the City Donation/Contribution to the Monterey County Film Commission for \$500.

Motion to approve the Consent Calendar was made by Council Member Carbone, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, and 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 HEARING**

- A. Associate Planner Charles Pooler presented an application by Mitchell and Joanna Owens to establish a firewood business on a portion of property located at 815 California Avenue. The site is presently used for the storage and distribution of log firewood without City approval. The applicants are required to comply with City regulations. The proposed yard is approximately 2,200 feet with a vacant mobile trailer that is adjacent to the fenced yard. The application would require fencing the area to screen and secure the firewood inventory. There will be no on-site sales or customer pick-ups, and all firewood will be delivered to clients. Proposed hours of operation will be from 7:00 a.m. to 6:00 p.m., Monday through Saturday with cutting activities and some loading/unloading of materials at irregular times throughout the day. The permit requires that fencing on all sides be approximately 6-feet tall from the finished grade. Should the use of the yard be for more than a year, Staff recommends a more attractive fence be installed. Storage of items exceeding the height of the fence should be prohibited. Staff recommends approval of the conditional use permit with a one (1) year time limit, with the possibility of ninety (90) day time extensions thereafter. This type of storage use is only being recommended as an interim use, pending redevelopment of the larger neighborhood known as "South of Tioga".

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

The applicant Joanna Owens reported to the Council that the fencing will be done within the next several days and adequately screened for aesthetic purposes and security. The wood piles will no longer be visible, and she is hopeful that the property owners would remove the vacant trailer. She had already spoken with the neighboring businesses and residents to address any concerns. Mrs. Owens brought to the Council's attention that the items in the trucks can not be removed until the following day due to their regular hours of operation conflicting with the landfill's hours. The items are properly secured and parked where the applicant has visible view of the vehicles to prevent unnecessary rummaging, looting and dumping by transients who normally frequent the area.

7:23 p.m. Floor closed to Public Comment.

Council Member Kruper commented that he would eventually like to see the area cleaned up as it is considered to be in a blighted condition. Something more visually

appealing would be good for the City.

Council Member Blackwelder added that he is very appreciative of the Owens' patience as they live and conduct business with the uncertainty of what will happen to the South of Tioga Redevelopment area.

Mayor David Pendergrass expressed that the applicant must continue to be in compliance with the requirements of the permit since any complaints may result in the conditional use permit being reviewed by the City Council at a future time.

Mrs. Owens commented that she would like to be part of the solution to the blight in the area, and is in agreement with the conditions of the use permit.

Motion to approve the City **Resolution** approving Conditional Use Permit 508 for Mitchell and Joanne Owens allowing a fenced storage yard for their firewood businesses at 815 California Avenue as a temporary use until the South of Tioga Redevelopment Project is ready to proceed 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.

## **AGENDA ITEM 8, OLD BUSINESS**

- A. City Engineer Richard Simonitch reported that the desalination plant is still producing water. Staff would like to continue on well development to increase the capacity of future water production. By Thursday, the plant should be well into the acceptance testing phase. At present, Staff is working with Cal-Am to discuss any anticipated future problems that may arise at the desalination plant. Once Cal-Am accepts the plant, Staff will provide bi-weekly reports to the City Council. The firm of Creegan & D'Angelo will continue to monitor the design engineering of the plant should any issues regarding design insufficiencies occur.

The Storm Water Management Group, which consists of cities along the Monterey Peninsula, is addressing, both individually and in groups, the issues regarding the notice of violation. Staff is working on a response for the Regional Water Board.

The City is still waiting for the interpretative signs to be received before Garcia Engineering begins the reconstruction of the beach access platform. They would like all the materials readily available so that the project can be completed all at one time.

Council Member Blackwelder suggested that portable restrooms be available at the location for the general public, and that locks be provided for the trash bins whose lids are continuously missing.

The Council gave direction to Staff to research the cost of twin portable restrooms that are handicap accessible with handwash accessories.

Mayor Pendergrass reported that the Monterey Regional Water Pollution Control Agency (MRWPCA) is scheduled to tour the desalination plant on Monday, June 28. Mr. Simonitch added that a representative from the LA Times, who is an environmental reporter, contacted Staff expressing his interest in touring the plant as well.

Council Member Hubler reported that the West End Event Committee expressed an interest in putting together a time capsule for Sand City and the West End Event. This time capsule will be constructed by him and two other sculptors. He is requesting \$500 - \$700 dollars to fund the materials. The cost of labor will be a gift to

Sand City. The City Administrator commented that the request for funds can be incorporated into next years proposed budget.

Two members of the audience, Susan Collins and Mr. Barney Cullen were invited to speak regarding the details of the time capsule. Ms. Collins reported that the residents are welcome to contribute something small, such as a handwritten note or an object that would reflect Sand City. Non-residents are welcome to submit a postcard. Mr. Cullen reported that he has researched the possibility of using different materials from A & S Metals, Coastal Steel, and other local businesses for the construction of the time capsule.

Vice Mayor Carbone mentioned that she would like to donate a 4 x 5 foot stainless steel container she has available for the construction of the time capsule. She also reported that on Memorial Day, she was invited by the military community to sit with the dignitaries as Sand City representative while they honored those who served in the armed forces. Mark Meadows, a former Sand City resident who is survived by his family was honored for his service during World War II as a Prisoner of War (POW) Veteran.

Mayor Pendergrass concluded that Memorial Day was indeed a time to remember those who served and dedicated their lives in service to their country.

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

- A. City Administrator Steve Matarazzo presented for the Council's consideration a resolution authorizing entry into a Joint Powers Agreement for a Monterey County Regional Taxi Authority. In 2008, the Transportation Agency of Monterey County (TAMC) prepared a Regional Taxi Study that recommends the creation of a joint powers authority (JPA) to address several issues and regulations related to taxi cab operations. Yellow Cab holds the only franchise agreement for taxi service in Monterey, and "Central Coast Cab" provides service to the Airport District. It has been recommended that these agreements be opened up to all taxi businesses. The City of Monterey held a Council hearing on May 4 on the proposed JPA, at which Yellow Cab objected to the formation of the Taxi Authority. Another public hearing is scheduled for July 1. Staff recommends approval of the attached resolution and suggested Airport District addendum to the JPA agreement. It is also further recommended that the Council approve the First Reading of the attached Ordinance that would regulate taxi service within Sand City. Mr. Matarazzo introduced TAMC Representative Debbie Hale who will give a brief presentation on the Taxi Study.

Ms. Hale reported that the Taxi Study was conducted with other local jurisdictions, in addition to the County of Monterey, the Monterey Peninsula Airport District, California State University Monterey Bay and the Monterey County Hospitality Association. The study resulted in the development of a Regional Taxi Authority to address the issues emerging from the variety of regulations and fare schedules throughout the Monterey Peninsula. Chief Michael Klein has been a leader in this effort on behalf of Sand City. Taxi service is dependent on those who do not have cars, and as soon as a taxi leaves one city boundary, that city no longer has legal enforcement when a taxi is in another jurisdiction. To enforce regulations and address the inconsistencies in taxi coverage service among local jurisdictions and districts, a Joint Powers Agreement for a Monterey County Regional Taxi Authority is being presented to the Council for approval.

City Attorney Jim Heisinger commented that based on this study concluded in late 2008. The JPA idea was presented with administrative duties proposed to go to MST. The cities that enter into a JPA would allow MST to oversee the permitting and licensing of taxi cab operators, freeing up existing local staff for other duties. The

main goal is to come up with a uniform system for the entire County with the exception of the airport district. Mr. Heisinger pointed out that the attached addendum to the JPA would allow the airport district to charge additional fees to taxi cab operators who pick up fares at the Monterey Peninsula Airport. The attached Ordinance before the Council, adding Chapter 5.18 to the Sand City Municipal Code, would establish guidelines for the City.

Chief of Police Michael Klein added that it would be financially and economically beneficial for Sand City to enter into a JPA. It would not make sense to have 9 separate jurisdictions with their own regulations with no common boundaries.

Motion to approve the City **Resolution** authorizing entry into a Joint Powers Agreement for a Monterey County Regional Taxi Authority was made by Council Member Kruper, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Motion Carried.

Motion to approve the First Reading of an **Ordinance** Adding Chapter 5.18 Entitled Taxicabs to the Sand City Municipal Code was made by Council Member Blackwelder, seconded by Council Member Kruper. Roll Call Vote, AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

***{The City Attorney conducted a straw draw that resulted in Council Member Kruper as the participating delegate. 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}***

- B. City Administrator Steve Matarazzo reported on the information regarding a proposed 2-year lease arrangement with Tope's Tree Service at 525 Ortiz Avenue (formerly, the Carroll Property). Klaus Aber of Mahoney and Associates submitted a letter of interest on behalf of Tope's Tree Service, a business that has been on the Peninsula since 1979, with the intent to lease the building for a 2 year term. The lease would be for the monthly amount of \$3,500 per month, and after the two year term the tenants would have the option of renewing the lease every 6 months. The City would receive a total income of \$81,270 over a two year period. Due to the current economic conditions a two year lease seems a favorable trade-off until the real estate market improves to meet the demands of a residential and mixed-use development. Staff recommends the Council consider the rental of the property to Tope's Tree Service; and should the Council decide to move forward, Staff will agendize a lease agreement for Council action at the July 20<sup>th</sup> City Council meeting.

Council Member Kruper commented that renting the property would be a good source of a temporary income to the City. It seems to be a positive idea to allow tenants to lease the building instead of letting it sit vacant. Council would still like to see some kind of parking structure at that location in the future.

8:12 p.m. Floor Opened to Public Comment.

The applicant Andy Tope commented that the building would be used primarily for storage of vehicles, trucks and equipment. The company is presently leasing space at the Monterey Peninsula Airport and would like to relocate due to issues dealing with vandalism and the lack of adequate security. There are no plans to do any chipping of wood or other noisy activities at the site.

8:17 p.m. Floor Closed to Public Comment.

The City Attorney added that he has reviewed the letter of intent to lease the property, and should the Council decide to take action, a lease agreement should be

ready for Council consideration at the July 20 Council meeting.

The Council was in consensus to move forward with the proposed 2-year lease agreement with Tope's Tree Service provided that a use permit was approved in the future.

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

C. There were no RSVP's from the City Council.

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

The City Attorney determined that there was no need for closed session.

#### **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 June 15, 2010 at 7:00 p.m. There was consensus of the Council to adjourn the meeting at 8:21 p.m.

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Connie Horca, Deputy City Clerk