

# MINUTES

## JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

---

Regular Meeting – May 4, 2010

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 Police Chief Michael Klein.

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

Staff: Steve Matarazzo, City Administrator/Community Development Director  
Jim Heisinger, City Attorney  
Richard Simonitch, City Engineer  
Michael Klein, Police Chief  
Linda Scholink, Director of Administrative Services/City Clerk  
Charles Pooler, Associate Planner

### AGENDA ITEM 4, COMMUNICATIONS

- A. Written communications distributed included two flyers from the Monterey Peninsula Chamber of Commerce.
- B. Oral

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

**Roy Meadows**, (Property Resident on Shasta): Requested the City look into changing the official street name of Shasta to either Shasta Avenue or Shasta Street. He said that he receives mail addressed to both street names, and sometimes it also says the City of Seaside, rather than City of Sand City.

The Mayor asked staff to research the street name, whether it is “Shasta Avenue” or “Shasta Street”.

7:08 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, April 6, 2010.
- B. There was no discussion of the Sand City Council Meeting Minutes, April 20, 2010.
- C. There was no discussion of the City **RESOLUTION** Extending the West End Celebration (WEC) for an additional day with a contingency fund of an additional \$5,000.
- D. There was no discussion of the City **RESOLUTION** Authorizing a Service Agreement for Auditor Services by Hayashi & Wayland for Fiscal year 2009-10.
- E. There was no discussion of the City Donation to Monterey High School PTSA "Sober Grad Night" for \$200.

Motion to approve the Consent Calendar was made by Council Member Blackwelder, seconded by Council Member Kruper. 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 a conditional use permit application submitted by Seth Parker and Mike Iverson to use an existing storage yard at 808 Tioga Avenue for their respective landscape service businesses. This was the former Monterey City Disposal truck facility. There is an approximate 2,200 square foot building (25 x 90) on-site with an open shed area and enclosed office area. There is a chain link around the perimeter with slats along the front and side; however, there are no slats in the front gate.

The applicant intends to use the building for equipment storage and accessory office, while the yard will be used for the storage of their 3 to 4 standard sized trucks, hitch-trailers and various landscape servicing equipment. There will be periodic green-waste, stored on-site prior to hauling to the regional landfill/recycling facilities. Storage will rotate between the subject property and two other sites outside the City. On-site vehicle service will consist of basic maintenance, but not engine repair. There will be 4 employees. Hours of operation will be 7:30 a.m. to 6:00 p.m. Monday through Friday. The applicants understand that the property is within a larger, redevelopment project area.

As with other permits in this redevelopment project area, staff is recommending a one (1) year time limit with the possibility of ninety (90) day time extensions. Staff recommends approval of the conditional use permit for one (1) year, unless extended by the City Council in 90-day increments.

7:13 PM Floor opened for Public Comment

**Seth Parker**, (Applicant): explained to the City Council that he is a very conscious green

business. He has already taken forty (40) yards of debris to the dump from this site. He welcomes any of the Council to visit his business after he has a chance to move in and further clean up. He intends to make the site look nice for his own business and also for the City. The applicant agreed to all the conditions within the permit.

7:18 PM Floor closed to Public Comment

Motion to approve City **RESOLUTION**, authorizing Conditional Use Permit 505 for Seth Parker and Mike Iverson allowing Storage and Accessory Office for their Landscape Businesses at 808 Tioga Avenue as an interim use until the South of Tioga Redevelopment Project is ready to proceed 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 8, OLD BUSINESS**

- A. City Engineer Richard Simonitch updated the City Council on the Bay Avenue Coastal Access project. He said that the concrete platform has been laid and the landscape architect is not completely satisfied with it. ADA compliance issues may need additional attention. The desalination plant ran well over the weekend. Two and a half million gallons of potable water has been processed through the plant. A few more minor details need to be worked out.

City Administrator Steve Matarazzo reported that he and the City Engineer met with Cal-Am today. He feels they want to accept the plant as soon as possible. The City Administrator and the City Engineer will be meeting with Cal-Am weekly until Cal-Am's acceptance is official.

The Mayor mentioned that Council Member Todd Kruper was in the Western City Magazine published by the League last month. The Mayor asked the Council what their preference was for the type of transportation down to San Diego for the League conference in September. Staff was instructed to check on additional modes of transportation.

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

- A. City Administrator Steve Matarazzo updated the Council on the status of the "Collections at Monterey Bay" Redevelopment Project proposed by King Ventures. On July 17, 2001, King Ventures entered into a disposition and development agreement (DDA) with the Redevelopment Agency to redevelop the "McDonald Site" into a coastal resort, consistent with the City's Local Coastal Program and the 1996 Memorandum of Understanding (1996 MOU) with the Park Agencies. On May 7, 2002, the King Ventures DDA was amended and restated. It has been eight years of stops and starts with the coastal resort project being proposed by King Ventures. The project currently consists of 340 units of primarily hotel development with a time share component.

In December, 2009, the California Coastal Commission, (CCC) denied a coastal development permit for the MBSE project based on a "new standard" for building

setbacks that required a recalculation of sea level rise over the next 50 to 75 years. This “new standard” seems to have “prominent scientists” agreeing that sea level rise could occur much faster than previously anticipated. Now, John King is faced with additional costs to complete the draft environmental impact report (DEIR) for the project, so he is pausing again. He believes the best way to proceed at this point may be to await a ruling from the court on the MBSE case to find out if any of the “new standards” developed by the CCC regarding the MBSE project is valid. Ed Ghandour states that a ruling from the court on his writ of mandamus case will be in December 2010, at the earliest.

The City Administrator recommended and the City Council concurred, to take a wait and see approach, based on Ghandour’s project and allow Mr. King additional project delay as an acceptable procedural alternative at this time.

- B. The City Engineer Richard Simonitch presented for Council consideration, a **Resolution** authorizing an increase to the contingency for the Sand City Water Supply wells and pipelines project of \$2,500 related to the New Tioga Well, # 5. On October 16, 2007, the City Council awarded the wells and pipeline project to the low bidder, MGE Underground in the amount of \$1,508,359, with a contingency amount of \$150,836.00 for construction change orders. There has been several additional change orders bringing the total to date including the contract and change orders, to \$2,411,339. Two additional change orders have been received and approved by the City Engineer and City Administrator for work related to the beach wells and pumps. The additional amendment being requested is for \$2,500, making the total project costs \$2,413,839.

Motion to approve City **RESOLUTION**, authorizing an increase of the budgeted contingency for the Sand City Water Supply Wells and Pipelines Project by \$2,500 from \$902,980 to \$905,480 was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- C. City Engineer, Richard Simonitch reported on December 9, 2009 the City Council awarded the contract for Bay Avenue Coastal Access and landscaping improvement project to Garcia Engineering in the amount of \$144,159.56. He is currently asking the City Council to consider authorizing an increase of the budgeted contingency for the Sand City Water Supply Bay Avenue Coastal Access Property by \$81,000.

As construction commenced, additional change orders were issued by the contractor as a result of extra work requested by the City and State Parks and unforeseen site conditions. The most significant cost increases are the result of revisions to the plan and scope of work to accommodate the loss of parking stalls due to the discovery of previously unsurveyed Coastal Buckwheat plants in the construction zone, and the need to hire a licensed biologist/handler to investigate the existence of the Black Legless Lizard in the dune areas and relocate the species if necessary. Other significant costs items include the repair of localized areas of road sub-grade that would not pass compaction specifications due to the existence of localized saturated clay layer. The additional project costs includes reconstructing of failed sub grade; extra road work; and additional items requested by City/State Parks to upgrade the interpretive signage and have a more

decorative fencing in place.

Motion to approve City **RESOLUTION** authorizing an increase of the budgeted contingency for the Sand City Water Supply Bay Avenue Coastal Access Project by \$81,000 from \$14,500 to \$95,500 was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- D. The City Engineer Richard Simonitch asked the City Council to authorize an increase to the contingency for the Prop 1B Street Improvement project. On August 18, 2009 the contract was awarded to Monterey Peninsula Engineering, (MPE) in the amount of \$282,104.00. Several change orders have been approved previously. This request is for \$39,790. The work that will be completed with these funds will be additional concrete and driveways to conform to businesses; 21' of additional retaining wall, balance quantities of AC, AB AC berm; install sewer lateral at J&D auto; additional drainage repairs and installation, additional utility boxes raise to grade. There will be changes in the public works line items to shift these allocations from existing funds and transfer into the Prop 1B account.

Motion to approve City **RESOLUTION** authorizing an increase of the budgeted contingency for the Proposition 1B Local Roads and Streets Project by \$39,790 from \$78,210 to \$118,000 was made by Council Member Carbone, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- E. The City Clerk asked for the Council's preference regarding transportation to the upcoming League conference.

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

The City Attorney determined 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 May 18, 2010 at 7:00 p.m. There was consensus of the Council to adjourn the meeting at 8:08 p.m.

---

Linda K. Scholink, City Clerk