

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting- May 3, 2005
7:00 PM

Mayor Pendergrass opened the meeting at 7:03 p.m.

There was no invocation.

The pledge of allegiance was led by Mayor Pendergrass

Present: Council Member Jerry Blackwelder
Vice Mayor Mary Ann Carbone
Council Member, Craig Hubler
Mayor David Pendergrass

Absent: Council Member Morris

Staff: Kelly Morgan, City Administrator
Michael Klein, Police Chief
Steve Matarazzo, Community Development Director
Jim Heisinger, City Attorney
Stan Kulakow, City Engineer
Charles Pooler, Associate Planner
Linda Scholink, City Clerk

AGENDA ITEM 4, COMMUNICATIONS:

- A. Additional written communications distributed to the Council this evening included a Redevelopment Resolution and interim lease agreement, (Item 8C), Upcoming Events notices, (Item 9D), and Information on AB 194, the Brown Act.
- B. The floor was opened at 7:04 p.m. There were no comments from the public. The Mayor pulled item 9A from the agenda with Council concurrence to await additional information.

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 Councilmember may request that any item be placed on the Regular Agenda for separate consideration.

- A. Conditional Use Permits (CUP) and Coastal Development Permits (CDP) are subject to annual review by the City Council and City staff. Upon review of

each of the following Use Permits, staff is recommending continued operation of the Use Permits to the City Council based on the finding that these uses are in compliance with their permits.

- (1) CUP #72, Sealife Supply (Raising Marine Fish), 740 Tioga Avenue
 - (2) CUP #248, John's Auto Repair (Auto Repair), 1857 East Avenue
 - (3) CUP #364, Neff Mill & Cabinet (Woodshop), 527 Redwood Avenue
 - (4) CUP #418, Jaroslov Stepanek (Cabinet Shop), 341-A Orange Avenue
 - (5) CUP #430, Susan Collins (Live/Work), 751 Dias Avenue
 - (6) CDP #93-05, Monterey Cabinet & Woodworking (Carpenter Shop), 409 Ortiz Avenue
 - (7) CDP #94-02, American Movers Inc. (Moving Company), 783 Redwood Avenue
 - (8) CDP #96-02, Roy Meadows (Mobile Home), 658 Ortiz Avenue
 - (9) CDP #96-03, Mark's Barn (Auto Repair), 654 Ortiz Avenue
 - (10) CDP #00-03, Jack Lee (Metal Workshop), 531-B Orange Avenue
- B. There was no discussion of the April 19, 2005 Minutes
- C. There was no discussion of City **RESOLUTION Honoring Mary Cruz Owens on Her Retirement from the Monterey Peninsula Unified School District**
- D. There was no discussion of City **RESOLUTION Authorizing Service Agreement for Audit Services by Hayashi & Wayland for Fiscal Year 2004-2005**
- E. There was no discussion of Support for the Proposed Monterey County General Plan Economic Development Element

Motion to approve Consent Calendar was made by Council member Blackwelder, seconded by Council member Hubler. AYES: Council members Blackwelder, Carbone, Pendergrass, and Hubler. NOES: None. ABSENT: Council member Morris. ABSTAINED: None. Motion carried.

**AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT
CALENDAR**

No Items.

AGENDA ITEM 7, PUBLIC HEARINGS:

- A. Associate Planner, Charles Pooler, presented the **RESOLUTION Approving Site Plan Permit 05-03 Authorizing a 3,510 Square Foot Building Addition to the Loading Dock Area of the Costco Wholesale Building at 801 Tioga Avenue**. He reported that this addition is being proposed at the west corner of the building near the Metz Road and Tioga Avenue intersection. The building addition will not remove, nor impact, any of the existing on-site parking spaces; nor interfere with existing on-site traffic circulation. Staff recommends that a partial masonry screen wall, to match the building architecture, be extended beyond the corner to a length and height adequate enough to provide screening of the compactor. The project has been reserved 0.246 acre-feet of water credit by the Sand City Redevelopment Agency, which is sufficient for a 3,510 square foot addition. The Design Review Committee is scheduled to hold a public hearing to review the architectural aspects of the project on Thursday, May 12, 2005. Based upon the information provided by the applicant, and the analysis and discussion of the staff report, Planning staff recommends approval of the Site Plan Permit, as conditioned.

7:09 Floor Opened for Public Comment

JOSEPH WELCH (Architect): Agreed with the staff's analysis of the site plan expansion.

KIM STANFORD, (Costco representative): In agreement with the conditions of the permit and in response to the Mayors comments , they are looking forward to moving ahead with the expansion.

7:12 Floor Closed to Public Comment

Motion to approve Resolution by title only was made by Council member Blackwelder, seconded by Council member Carbone. AYES: Council members Blackwelder, Carbone, Pendergrass and Hubler. NOES: None. ABSENT: Council member Morris. ABSTAINED: None. Motion carried.

- B. Consideration of City RESOLUTION Approving Conditional Use Permit 459 Allowing a Television and Radio Monitoring Station at 495 Elder Avenue

This item was continued due to lack of a voting quorum

AGENDA ITEM 8, OLD BUSINESS:

- A. Stan Kulakow, City Engineer, reported on the traffic light at Contra Costa Street and Del Monte Boulevard. The City of Seaside has finally amended the stop light at that intersection. The Mayor reported that a sign had been added to alert drivers to yield when the light is green. The Community Development Director reported that the Coastal Commission has questioned the lights on the bike path and his response was that the conditions never mentioned having lights or not having lights. He said if you are concerned with the safety of the pedestrians and commuters that use the bike trail, then you would want the bike trail lit up. He will keep the Council apprised.
- B. The Community Development Director reported that the Coastal Commission hearing is coming up on May 11th in Palo Alto. He has kept in close contact with Coastal staff, and feels they are in support of the project. They added 12 special conditions to the project, that the City can meet. The condition that caused the most concern was Condition #6 regarding Financing Plan/Growth Inducement. In that condition, it stated "Only existing users will be assessed for the project, based on actual water use, including payment of higher per unit charges for higher water use. City Attorney Heisinger has wrote some revised language to clarify what they meant to say in this condition. It was faxed to the Coastal staff today and they are looking at it. He feels this is a very positive staff report for our project. This week a letter with the Mayor's signature was sent to all the Coastal Commissioner's saying we support the Commission Staff's recommendation; and by the way, here are another 10 reasons why this is a great desal plant. City Staff believes the permit will be approved on Wednesday.

The City Attorney explained that he wanted to give a little more detail. The Coastal Commission staff report contains new special conditions. They ask for more detail in regard to construction plans, and they require some sensitive habitat surveys. The one condition added that is something the City would have done which is the plan for the relocation of the extraction/injection wells over time. We know that the Coastline is moving inland. The one condition we have a problem with is Condition # 6. We need to address this condition, because the way it is written presents a problem.

The City Administrator called the Council's attention to Condition # 10-Emergency Tie-in to Other Systems and Condition # 11-Evidence of Other Agency Approvals. He concluded by saying this is a decent report, and if we get Condition # 6 changed, these are conditions we can live with.

- C. Consideration of RESOLUTION Authorizing an Interim Rental Agreement with Saroyan Master Builders for a portion of the Robinette Property located at 625 Elder Avenue, between the Rail road right-of-way and Ortiz Avenue at the southerly terminus of Hickory Street.

There was Council/Redevelopment Agency and City Attorney consensus that the Executive Director could enter into a temporary two month rental agreement for \$200.00 per month with the authority being provided in the DDA approved at a previous Council/Redevelopment Agency meeting.

AGENDA ITEM 9, NEW BUSINESS:

- A. Consideration of City RESOLUTION Initiating Application to the Caltrans Scenic Highway Program for Highway 1 through Sand City

This item was continued due to additional information being requested.

- B. The Community Development Director stated that staff was requesting a contract amendment with Zander and Associates for an additional \$17,000 to do a Snowy Plover survey this season, with a coast wide HCP or a Habitat Conservation Plan for the Sterling/McDonald site and the Monterey Bay Shores site. The Snowy Plover season is now through September, so we need to get these surveys done. The \$17,000 can be credited to the \$150,000 of soft costs that were agreed to by the Agency as part of the DDA (Disposition and Development agreement) with King Ventures. Ed Ghandour has also agreed to pay a part of these costs. It is recommended that the additional \$17,000 be approved.

Motion to approve **Resolution of the Sand City Council Authorizing a Contract Amendment with Zander Associates for an Additional \$17,000 for Western Snowy Plover Surveys for the 2005 Nesting Season** was made by Council member Carbone, seconded by Council member Blackwelder. AYES: Council members Blackwelder, Carbone, Pendergrass, and Hubler. NOES: None. ABSENT: Council member Morris. ABSTAIN: None. Motion carried.

- C. The Council gave their responses regarding attendance to the Upcoming Events/Meetings.

AGENDA ITEM 10, CLOSED SESSION:

- A. It was determined that the City Council did not need to adjourn to Closed Session to confer with legal counsel regarding existing litigation pursuant to §54956.9 (a) of the Ralph M. Brown Act (1 case) - CalAm Water v. Seaside, Sand City et al

- B. Closed Session was not held

AGENDA ITEM 11, ADJOURNMENT:

- A. Motion to adjourn was made by Council member Hubler, seconded by Council member Blackwelder to the next regularly scheduled Council meeting on May 17, 2005. There was unanimous consensus of the City Council to adjourn at 7:50 p.m.

Linda K. Scholink
Linda K. Scholink, City Clerk