

**MINUTES**  
**JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY**  
**City Council Chambers**  
**Regular Meeting-October 18, 2005**  
**7:00 PM**

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

Invocation was led by Reverend Snyder.

The pledge of allegiance was led by Police Chief Klein.

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

Staff: Kelly Morgan, City Administrator  
Michael Klein, Police Chief  
Steve Matarazzo, Community Development Director  
Jim Heisinger, City Attorney  
Stan Kulakow, City Engineer  
Connie Horca, Deputy City Clerk

**AGENDA ITEM 4, COMMUNICATIONS:**

- A. Additional written communication distributed to council included Agenda Item 9 A-Monthly Status Report on Graniterock Remodeling Project and Ordinance Exhibit B, Chapter 18 of Municipal Code
- B. The floor was opened to Public comment at 7:04 p.m.

Sal Carbone, a Sand City resident thanked the council for the great job they are doing in the city and expressed appreciation for the great job they did in taking care of the junk (storage) yard near his home. He also expressed his concern with the chemicals-products being used at the Granite Rock plant. He brought a sample of particles that land on the cars around the plant.

The floor was closed to Public comment at 7:06 p.m.

**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 October 4, 2005 Minutes
- B. There was no discussion of the Monthly Police Department Report, September, 2005.
- C. There was no discussion of Monthly City/Redevelopment Agency Financial Report, August 2005
- D. There was no discussion of League of California Cities 2005 Annual Conference Resolutions Voting Packet
- E. There was no discussion of City Contribution to Monterey Peninsula Chamber of Commerce for \$1000 for hurricane relief to two small cities and to Food Bank for Monterey County for \$600

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

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

There were no items pulled from the consent calendar

#### **AGENDA ITEM 7, PRESENTATIONS**

Police Chief, Michael Klein made the first presentation to the council on Sand City's Emergency Plan in final draft form. This plan was designed to be in conformity with the National Incident Management Systems (NIMS). It was constructed in such a way that in case of a major emergency/disaster, we will be reporting to the office of the County of Emergency Services, who in turn will report to the state. In the event of an emergency, our emergency needs and asset requirements will be directed to the county and the county will look at it from a county wide view and see that those services being requested will be supplied from that perspective. It is suggested that the city be prepared to be self sufficient for 3 days. However, the disasters occurring in the South East Coast, dictates that the city should be self sufficient for 5 days. Council participation is highly recommended due to the expertise of certain council members. The community residents are also encouraged to participate in planning exercises.

City Administrator, Kelly Morgan stated that the city currently has an existing Emergency Plan which was adopted in 1996, and prepared in response to state requirements. This proposed plan presented by Police Chief Klein was prepared in response to new federal requirements.

Police Chief Klein, commented that the federal government is looking for a plan that will be uniformly adopted throughout the United States.

Disaster Preparedness Coordinator, Russell Coile reported that the State of California adopted a system which is called the Standardized Emergency System after the East Bay Hills fires which occurred in 1991. This system required public employees (fire fighters, law enforcement and public works) to be trained in case of a disaster. After the terrorist attacks in New York, the Homeland Department of Security was established . Only California had a uniform system, so they took the SIMS and changed the name to National Incident Management Systems (NIMS) so that other states could adopt a similar plan, and can respond accordingly to one another's needs in case of a major disaster. Our present emergency plan needs to be updated to conform in accordance to the current national plan. In the event of a major earthquake, the City Council has to pass a declaration of a local emergency, which the City Administrator will do immediately if there is a big catastrophic emergency or disaster. The county will then forward this to the governor after they have satisfied themselves with the city's report of a disaster. The governor in turn will transmit this message to Washington to get a presidentially declared disaster, so the federal government can then activate their national response plan to send in a search and rescue team from Moffett Field or whatever supplies/equipment are necessary to respond to such an emergency.

Mayor Pendergrass referred to the Loma Prieta Earthquake in 1989 and mentioned that there was no communication or power supplied to Sand City at the time.

Police Chief Klein, commented that in an event of an emergency, and the declaration by city council we would then have the authority to commandeer food stuff and supplies. This would be paid for by voucher form, which would then be administered by the city finance and administrative departments. The city should be prepared to have an alternate site should it be impossible to proceed with normal operations at City Hall. It is advisable to have a master list of assets & individuals who can be contacted in the event of an emergency.

Further discussion included a centralized command center which would be available to the greater community. Community Emergency Response Teams

C.E.R.T. is a twelve week course that prepares ordinary citizens for an emergency/disaster by training them how to respond in the event of an emergency. It is encouraged that city council and staff take this training program through the Seaside and/or Monterey Fire Departments. It was suggested that a citizen advisory committee be formed in the event of an emergency (this committee could be the City Council). This plan will be reviewed before final approval for first and second reading from the council.

#### **AGENDA ITEM 8, PUBLIC HEARINGS:**

Community Development Director, Steve Matarazzo presented a **SECOND READING on an Ordinance Amending Title 18 of the Municipal Code to Reclassify Certain Properties to Public Facilities (PF) and to add Zoning Regulation, Section 18.21, Related to Said Zoning Classification.** With a revision to the ordinance under Section 18.21.020 Permit Uses and Section 18.21.040 Minimum Requirements.

7:39 P.M. Floor opened to Public Comment

There was no comment from the public

7:40 P.M. Floor closed to Public Comment

Motion to approve ordinance with revisions to sections 18.21, by title, was made by Council member Carbone, seconded by Council member Hubler. Roll Call Vote: Council members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAINED: None

#### **AGENDA ITEM 9, OLD BUSINESS:**

- A. Chris Mann, Construction Supervisor from Graniterock reported on the status of the remodeling project . The following work as outlined on the handout was the removal of the chain link fence with one panel remaining to be removed. The installation of a new decorative gate on California Street and the demolition of the old batch plant. Request for bids have been released, and responses are due on October 19, 2005. It is expected that demolition should commence the week of October 31, 2005. The landscaping work will be re-submitted for City approval by the Paul Davis Partnership Group. Internal Site Sweeping has been done daily and the external truck staging is grouped for recycle (slurry) off-haul. One item not listed is the merger of the historical lot, in which Mr. Mann has received a bill from the surveying company indicating that the project has been done.

Further discussion included the containment of chemical particles which have been found outside of the Graniterock facility. Council member Blackwelder asked if there was any possible way of assuring that these particles can be cleaned off. Mr. Mann responded that the logical way would be to rinse the particles off, but storm water regulations require that all off flow be contained on-site. Once the new system is in place, the amount of dust and particles should be contained within the facility.

Council member Morris asked about the site sweeping and how it is done. Chris Mann responded that a sweeper goes around the site and vacuums up any dust that is within the facility. It is similar to a street sweeper, but smaller. If there is dust in the street, the sweep can be done more than once a day. The dust comes from the recycle, off the trucks or from dried slurry at the end of the run. The area can not be rinsed off, due to the restrictions of the storm water regulations. All rinsed matter must be contained on-site. Mr. Mann suggested that their environmental manager be requested to answer some of these questions. Council members were encouraged to do a tour of the plant at a future date.

***{ Due to a possible conflict of interest by residing within the 500' of the area, Council member Morris stepped down and left the dias }***

- B. Don Orosco, from DBO Development reported on the South of Tioga project. Mr. Orosco referred to the maps handed out, pointing to the green properties which are currently owned by DBO or in escrow. Those properties represent an investment in the community of 8.6 million dollars. Other properties that are not acquired were considered to be over-priced, which will most likely not hold up under an MAI appraisal. These properties have very little water credit history, which generally will not contribute to the overall development of the project. The cost per square foot is much higher than the properties already acquired. The price of these properties significantly exceed their usability for the project. The Sand City RDA, does not have a sufficient amount of funds to assist their development partner, DBO in buying down these land costs, therefore compounding the development process. The high cost of the land places the development team at a disadvantage with Seaside and Marina, who have more cost effective parcels, this has prolonged the decision making process with many of the retailers and eliminating a good cadre of them. It is of importance that an intelligent decision be made as to what properties to acquire that would be beneficial to the city and the development team in regard to the future redevelopment of this area. Water availability is also a big factor along with holding cost and the water issues continue to hinder the development of this project. It is of importance to continue exploring retail alternatives for two reasons, one of which is the water consumption by retail is less, therefore



allowing more water for the residential component of the overall development of the site plan. Second, the generation of sales tax revenue for the City. Until a significant retail component can be acquired and how big that component is, a formal design can not be submitted for a sub-division map, and specific plans for review by the city council. Another question asked from Mr. Orosco was what can be done to assist property owners regarding the interim rental of their property? It was suggested that an 18 month lease could be entertained, since development is not proposed for some time.

Mayor Pendergrass asked if the original project area (as shown on the map) will be modified in any way? Mr. Orosco replied not yet, but that it is possible. The project has required a lot of modifying in order to analyze various alternatives in the development of the South of Tioga.

8:22 P.M. Floor opened to Public Comment

**Andy Briant** (Business owner on Fir Avenue): He is trying to lease 3000 sq. feet and understands that Mr. Orosco has been recommending the leasing to short term tenants for a period of 6 months only. The limit of conditional use permits for six months, means that the property of 3000 sq. feet is impossible to rent. Mr. Briant is asking from City Council and staff as to the direction he should take.

**Peter Erickson** (Commercial Real Estate Broker): The idea of doing the project is great, however how can the existing buildings be used to integrate with the new buildings that are scheduled to be built? Some of the areas in Tioga can be an entity in themselves, but the other areas where there are old steel buildings being used for storage will not fit into the proposed look of the project area and will need to be shut down or totally remodeled.

**Michael Kokkinos** (Owner, Mediterraneo Imports): Mr. Kokkinos thanked Mr. Orosco for explaining what is going on with the project. He would like to make sure that any offers for the sale of his property allow him to continue the use of the property as a retail/wholesale business.

Mayor Pendergrass commented that the main project area could possibly be modified, given the cost of the competition of Marina and Fort Ord. He asked what response does staff have in regards to the 18 month lease.

City Administrator, Kelly Morgan replied that we can consider 18 month leases and allow the sale of property. However, when the new uses come forward, they will be reviewed and evaluated according to the plans and long term goals the city has for this area. Out of consideration for the property

owners, the City has allowed some very marginal uses in this area on a short term/6months basis. Longer term uses would probably be screened more carefully.

***{ Council Member Morris returned to the dias }***

- C. City Engineer, Stan Kulakow will be receiving bids on the City Hall Rear Parking Lot some time next week. Also, Seaside has awarded a contract for the storm drain outfall project for \$259,000, of which Sand City will contribute 7%. A graphic overview was presented for parking space at the TAMC Rail ROW, representing 70-75 spaces to Redwood Avenue.

Community Development Director, Steve Matarazzo reported on the Bike Trail Lighting from Tioga to Fell St. The main concern of the coastal commission are the 15' pole lights where the dunes are lower. Mr. Matarazzo suggested to the commission if they could take jurisdiction of the pole lights, to please do. He is still waiting for further communication on the subject. Mr. Pooler has done a photo simulation with every other light off, but it may not provide enough illumination for the public who use the trail at night.

**AGENDA ITEM 10, NEW BUSINESS:**

- A. City Administrator, Kelly Morgan reported that there has not been a response to our version of the letter of intent. They will try to make the November 1<sup>st</sup> council meeting. We are presently trying to set up a meeting with the State Water Board. This is the first time that some water has been returned and for this reason there is definite interest in wanting to be involved in a small desal project. There is also the involvement of the water management district which will include technical and political issues.
- B. Upcoming Events/Meetings

The Deputy City Clerk brought the Council's attention to upcoming meetings.

8:48 P.M. Mayor Pendergrass excused the Public and called for a recess.

9:04 P.M. Council re-adjourned.

## **AGENDA ITEM 11, CLOSED SESSION**

- A. City Council 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. The city council gave direction to city attorney.
- B. Readjourn 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. City Council gave direction to City Attorney.

## **AGENDA ITEM 12, ADJOURNMENT:**

- A. Motion to adjourn was made by Council member Blackwelder, seconded by Council member Hubler to the next scheduled council meeting on November 1, 2005, at 7:00 p.m. There was a unanimous consensus of the City Council to adjourn at 9:27 p.m.

  
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Connie Horca, Deputy City Clerk