

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting - February 17, 2004
7:00 PM

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

Reverend David Kast led the invocation.

Police Chief Klein led the Pledge of Allegiance.

Present: Councilmember Jerry Blackwelder
Vice-Mayor Mary Ann Kline
Councilmember Craig Hubler
Councilmember Todd Kruper
Mayor David Pendergrass

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

AGENDA ITEM 4, COMMUNICATIONS:

- A. The additional written communications to be distributed to the City Council this evening are for Closed Session.
- B. The floor was opened at 7:03 p.m., but there were no oral communications from the public. Mayor Pendergrass congratulated Vice-Mayor Kline on her nuptials to long time partner Sal Carbone. The Mayor also thanked Arts Chair Todd Kruper for arranging the current art exhibit by Monterey International School students. The reception was held last Friday.

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. There was no discussion of the Monthly Fort Ord Reuse Authority (FORA) Report, February.

- B. There was no discussion City **RESOLUTION Approving Commercial Rates for Waste Disposal Services in Sand City with Waste Management**
- C. There was no discussion of the City **RESOLUTION Honoring Sergeant Dale Allen, Sand City Police Officer of the Year**. The Monterey County Police Officers Association will hold a dinner on Friday, February 20th to acknowledge all award recipients.
- D. There was no discussion of the Monthly Police Department Activity Report, January.

Motion to approve Consent Calendar was made by Councilmember Kline, seconded by Councilmember Kruper. AYES: All members. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

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

No items.

AGENDA ITEM 7, PRESENTATION(S):

- A. Presentation by Graniterock (Chris Mann) and discussion on batch plant modernization project update. He is here to respond to comments made at the last meeting on construction issues. Dust and dirt is being tracked onto the street and they will now have daily sweeps of the area if it's not raining. They are sweeping much deeper to assist with less tracking of dirt while under construction. They are also willing to use a non-toxic dust mitigator to help. The new plant is often being evaluated by on/off tests and will continue for several months while under construction. He gave a construction progress update which is estimated at 6-9 months before the new facility is fully operational.

Councilmember Hubler asked if portions of the inside yard will be paved? Yes. Graniterock will be working with the City Engineer on drainage issues for the entire site. The TAMC right-of-way staging area will eventually be abandoned. Councilmember Blackwelder said there seems to be a lot of trucks parked outside of the Graniterock site, will this continue? He also expressed his concerns about more construction possibilities in this area in the future. Is Graniterock going to be making deliveries at non-peak hours? Mr. Mann said that the off site vehicles are in a temporary staging area right now and they are not leasing any other property for this purpose. Graniterock will be making more non-peak deliveries.

AGENDA ITEM 8, PUBLIC HEARING(S):

- A. Associate Planner Pooler presented the **City RESOLUTION** to amend Coastal Development Permit (CDP 03-03) for Joseph Cardinale of the Cardinale Automotive Group, authorizing an expansion of their encroachment into the railroad right-of-way from 30-feet to 50-feet for a storage yard of automobiles associated with the applicant's auto sales facility. The project qualifies as a categorical exemption under State CEQA Guidelines, Section 15301, and is within a non-appealable Coastal Manufacturing Zoning District. Mr. Cardinale has been negotiating his lease with TAMC, who is the new owner of the railway. A future bike trail is planned by the City of Seaside, to be located on the eastern half of the railway. Language has been added to the permit requiring Mr. Cardinale to relinquish area necessary to accommodate the future bike trail. City Administrator Morgan distributed a map of the railroad right-of-way which showed all the areas that have been leased out to date.

7:16 P.M. Floor Open for Public Comment

JOSEPH CARDINALE (Applicant): He agrees to the conditions of approval.

7:17 P.M. Floor Closed to Public Comment

The City Attorney recommended a slight language change to the permit.

Motion to approve Resolution by title only, as amended, was made by Councilmember Kline, seconded by Councilmember Blackwelder. AYES: All members. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

[Due to residing within 500' of the project site, Councilmembers Blackwelder, Hubler and Kruper have a conflict of interest and had to draw straws to retain a quorum. As a result of that drawing, Councilmembers Kruper and Hubler abstained and left the dais.]

- B. Associate Planner Pooler presented the Conditional Use Permit application by Mike Houser to utilize a single commercial unit of a mixed-use building at 542 Ortiz Avenue, Unit #4 (APN 011-232-018) to operate a screen printing shop with accessory office and showroom, and corresponding **City RESOLUTION**. The project qualifies as a categorical exemption under State CEQA Guidelines, Section 15301, and is within a non-coastal Planned Mixed-Use (MU-P) zoning district. This property accommodates an older (1984) mixed-use building with studio apartments on the upper level and commercial units below. The property frontage provides 12 parking spaces for residential and commercial uses. Overflow parking migrates curbside along Ortiz Avenue and onto the Robinette site. For this reason, no retail use should be allowed. No additional water credits are necessary, and Mr. Pooler reported on the hours of operation with manufacturing prohibitions on weekends.

7:23 P.M. Floor Open for Public Comment

MIKE HAUSER (Applicant): A small ventilation fan will be installed to help dissipate heat and fumes. He agrees to the conditions of approval.

7:25 P.M. Floor Closed to Public Comment

Motion to approve Resolution, by title only, was made by Councilmember Blackwelder, seconded by Councilmember Kline. AYES: Councilmembers Blackwelder, Kline, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Councilmembers Kruper, Hubler. Motion carried.

[Councilmembers Kruper and Hubler returned to the dais.]

AGENDA ITEM 9, OLD BUSINESS:

- A. Progress report on Public Works projects, City water project, and other Sand City community programs by City Engineer/Community Development Director/City Administrator. City Administrator Morgan reported he received a telephone call from Roger Harris of LSA. LSA did the second opinion on the draft coastal Habitat Conservation Plan (HCP). They have not yet incorporated any changes or recommendations by staff to this report because the contracted funds were used and would have to be renegotiated. Certain issues will have to be discussed further before making any financial decisions or to determine if the costs could be shared with a developer. City Engineer Kulakow said the street striping, buttons and stop sign installation on Tioga was installed quickly and to budget. The civic center work by Earthworks Paving continues. Community Development Director Matarazzo said the Coastal Commission will be agendaizing the City's General Plan (coastal portion) for their Monterey meeting in March.

AGENDA ITEM 10, NEW BUSINESS:

- A. There were no new upcoming events or meetings.

AGENDA ITEM 11, CLOSED SESSION:

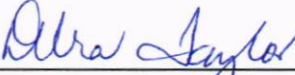
- A. City Council adjourned to Closed Session to confer with legal counsel regarding existing litigation pursuant to §54956.9(a) of the Ralph M. Brown Act (3 cases) -
 - (1) CalAm Water v. Seaside, Sand City et al (Monterey County Superior Court Case No. M66343)
 - (2) Security National Guaranty, Inc. (Case No. 03-55847-NM)
 - (3) Coos County v. Department of the Interior (U.S.D.C. Case No. 02 CV 6128 HO)

- B. Redevelopment Agency adjourned to Closed Session to confer with real property negotiator to discuss possible acquisition of privately owned vacant property owned by George Wilson located at the ends of Shasta and Elder Avenues (APN 011-236-011, 012, 013, 020, 022, & 025) for the intent to facilitate additional parking in the West End District, pursuant to §54956.8 of the Ralph M. Brown Act

- C. Readjourned 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.
 - A (1): *CalAm Water v. Seaside, Sand City et al (Monterey County Superior Court Case No. M66343)* - information only, no action taken.
 - A (2): *Security National Guaranty, Inc. (Case No. 03-55847-NM)* - information only, no action taken.
 - A (3): *Coos County v. Department of the Interior (U.S.D.C. Case No. 02 CV 6128 HO)* - information only, no action taken.
 - B. *Wilson Property* - Authorized real property negotiator to initiate discussions with George Wilson to acquire the property.

AGENDA ITEM 12, ADJOURNMENT:

- A. Motion to adjourn was made by Councilmember Hubler, seconded by Councilmember Kruper, to the next regularly scheduled City Council meeting on March 2, 2004, 7:00 p.m. There was unanimous consensus of the Council to adjourn at 8:16 p.m.



Debra Taylor, City Clerk