

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting - July 20, 2004
7:00 PM

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

Reverend Kast led the invocation.

Police Chief Klein led the Pledge of Allegiance.

Present: Councilmember Jerry Blackwelder
Vice-Mayor Mary Ann Carbone
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. Additional written communications distributed to the City Council this evening included letter from Mediterraneo Imports on the South of Tioga project (4-A), and a modification to the Newton Brothers use permit (8-B).
- B. The floor was opened at 7:04 p.m., but there were no oral communications from the public. Earthworks was discussed under agenda item 9-G.

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 June 30th and July 6th Minutes.
- B. There was no discussion of the City **RESOLUTION Granting a 90-Day Time Extension of Conditional Use Permit #432 for Andrew Perez dba Advanced Towing Regarding Storage Use at 841 Fir Avenue.**

- C. There was no discussion of the City **RESOLUTION Granting a 90-Day Time Extension of Conditional Use Permit #434 for Gordon Rudy dba Budget Truck Rental Regarding Storage Use at 840 Tioga Avenue.**
- D. There was no discussion of the City **RESOLUTION Granting a Second 90-Day Time Extension of Conditional Use Permit #479 for Dio K. Roberts Regarding his Auto Storage Use at 842 Fir Avenue.**
- E. There was no discussion of the Monthly Fort Ord Reuse Authority (FORA) Report, July.
- F. There was no discussion of the Monthly Police Department Activity Report, June.
- G. The voting delegates for the 2004 League of California Cities annual conference will be Mayor Pendergrass and Mary Ann Carbone as alternate.

Motion to approve Consent Calendar was made by Councilmember Carbone, seconded by Councilmember Blackwelder. 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. Bill Reichmuth, Executive Director Transportation Agency for Monterey County (TAMC), gave a presentation on the revised expenditure plan regarding a half-cent, 14-year transportation sales tax ballot measure. He distributed TAMC's proposed 14-year project list which has been revised from a 20-year program. There are a number of changes to the project list and it is based on the half-cent sales tax measure for the November ballot which will require 2/3's voter approval. Mr. Reichmuth outlined the direct impacts to Sand City from the project list. Tonight he seeks approval from the City Council to accept the 14-year expenditure plan and to allow a County-wide tax measure to be placed on the ballot. The total project costs are \$1billion and he discussed possible funding of \$400million from State and Federal sources (leveraged funds). There is a one-percent limit on administrative costs, FORA already has a transportation impact fee, and there would be viable funds for rail and MST. Councilmember Hubler asked if there was a "Plan B" if the ballot measure is not approved by the voters? Mr. Reichmuth said that the Highway 101 Prunedale safety improvements will be the only project completed over 14 years without these new tax funds. If these

programs are not accomplished, future mobility and quality of life will be effected. In response to a question by Councilmember Kruper, it was noted that the citizen oversight committee members would be selected by member cities.

AGENDA ITEM 8, PUBLIC HEARING(S):

- A. Associate Planner Pooler presented the Conditional Use Permit application submitted by James Frangella to convert an existing single-family dwelling into a commercial retail shop of contemporary and vintage surfing collectibles, located at 448 Orange Avenue (APN 011-271-005). The project qualifies as a categorical exemption under State CEQA Guidelines Section 15301; and corresponding **City RESOLUTION**. The property is 50' wide and 75' deep with an existing 700 sq ft residential dwelling which will be transformed into their retail shop. The property owner is in the process of designing a new mixed-use development for the site and this would be an interim use. Two parking spaces will be used by staff and two spaces are to remain open for customer use. An amendment was made to condition #3.

7:34 P.M. Floor Open for Public Comment

DAN CLARK (Business partner and property owner): He agrees to the conditions of approval. In response to a question by Mayor Pendergrass, it is his intent to submit plans for a mixed-use development in the near future. He asked if there is no water available in two years (length of permit), does the property have to revert back to a residential use? Staff is recommending leniency if that occurs. In response to a question by Councilmember Kruper regarding trash receptacles, Mr. Clark said they recycle everything as part of their shipping materials - there will be no outside dumpsters.

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

Motion to approve Resolution by title only, as amended, was made by Councilmember Kruper, seconded by Councilmember Carbone. AYES: All Councilmembers. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

- B. Associate Planner Pooler presented the Coastal Development Permit application by Newton Bros Tire to establish a fenced storage yard within the railroad right-of-way, behind the applicant's business operation at 1669 Del Monte Blvd. The project qualifies as a categorical exemption under State CEQA Guidelines Section 15301; and corresponding **City RESOLUTION**. This 50' encroachment into the railroad right-of-way is 185' wide, and the applicant has a four year lease with TAMC. Access through the yard will be through the applicant's Seaside property, and they will be parking overflow vehicles on a daily basis. The fence materials were discussed and an

amendment to condition #9 was made to allow a design equivalent to the preferred fence design, subject to approval by the Community Development Director. This permit is subject to a two-year time limit with possible extensions.

7:43 P.M. Floor Open for Public Comment

DOUG NEWTON (Applicant): He is in agreement to the conditions of the permit.

7:44 P.M. Floor Closed to Public Comment

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

- C. The Coastal Development Permit application by Ken Boswell and Sam Linder of Jaguar/Landrover to establish a fenced storage yard and demonstration course in the railroad right-of-way, behind the applicant's business operation at 1711 Del Monte Blvd, and to create an artificial off-road course for vehicle demonstrations was led by Associate Planner Pooler. The project qualifies as a categorical exemption under State CEQA Guidelines Section 15301; and corresponding City RESOLUTION. He received a call from the applicant this afternoon who requested this item be continued to the August 3rd meeting.

7:45 P.M. Floor Open for Public Comment

No comment.

7:45 P.M. Floor Closed to Public Comment

Motion to approve continuation of this item until August 3rd was made by Councilmember Kruper, seconded by Councilmember Blackwelder. AYES: All Councilmembers. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 9, OLD BUSINESS:

- A. City Administrator Morgan presented the City **RESOLUTION Approving the Transportation Agency for Monterey County (TAMC) 14-Year Transportation Expenditure Plan and Asking the Monterey County Board of Supervisors to Place on the November 2, 2004 Ballot.** TAMC has been working on a funding plan for several years and it clear that Monterey County needs to raise adequate funds to upgrade transportation. Monterey County is not a self-help county which impacts availability of state

and federal funding opportunities. With a \$1 billion of transportation project needs, the cities, county, state, and federal government cannot provide this level of funding individually, but must work together to produce this much funding for our regional projects. Monterey County needs a local funding source to become a "self-help" County, and the 2/3's approval of voters is crucial. This resolution approves the 14-year expenditure plan and requests the Monterey County Board of Supervisors to place this measure on the November 2nd ballot.

Motion to approve Resolution, by title only, was made by Councilmember Carbone, seconded by Councilmember Kruper. AYES: All members. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

- B. There was City Council consensus to table the City RESOLUTION Establishing Regional Development Impact Fees in the City of Sand City to a public hearing in the near future.
- C. There was City Council consensus to table the City RESOLUTION Approving a Joint Exercise of Powers Agreement to Administer Regional Development Impact Fees in the County of Monterey to a hearing in the near future along with item 9-B.
- D. Progress report on de-listing of the snowy plover. City Administrator Morgan reported there is a meeting scheduled for tomorrow with Tom Roth to discuss strategy on getting Sand City exempted as a critical habitat area. Mr. Morgan will make a follow up report at a future meeting.
- E. Update on the civic center improvement project.
RICK STRAUSS (Earthworks) wants to maintain a good working relationship with the City and do a good job. He wants the subcontractor to fulfill his obligations and feels this has been done.
JIM POLLIZI (Earthworks) met with the City Engineer a week ago who suggested talking with the City Council. He wants to finish this project. The surface treatment on the wall is halted, but he recommends continuing the remainder of the contract right now. He distributed a time line and surface treatment recommendations to Council. Mr. Pollizi has a desire to finish the contract and in the meantime, will formulate ideas to finish the wall.
DAVID MARTIN (Architect): This is not an easy project as there are curves, corrugation, detail, etc. The first walls for the City were a success and he feels the error on this wall was due to the form work. The other walls were also stained. The surface treatment by Earthworks is only one issue, and Earthworks feels the chamfering details have been completed. Because two other similar projects have been done, there is a comparable difference. Even the provider of the patching material that could be used as a fix, does not feel the process would work or meet expectations. The logo placement was also off-center. He is upset they did additional treatment for the entire

wall instead of just a sample area. Mr. Martin feels the 6" veneer plan would take care of concerns and put a new face on the project.

DAVE PETTIGRUE (Subcontractor): He has issue with certain items that occurred and caused problems - 1) staking was off and the footing was too high; 2) the plans were not specific i.e. the chamfer design and he was advised to call Mr. Martin who said to call the prior contractor who was no help; 3) on request they lowered the wall one-foot even though they followed the design, but it still didn't turn out correctly and this is when the logo placement became off-center, they just should have not accommodated the request; and 4) there was a problem with coloring but he feels this too could be satisfied.

The City Council took these comments into consideration and will discuss it further in Closed Session (item 11-A).

- F. There was minor discussion on an author for the argument in favor of ballot measure. The deadline to the Registrar of Voters is August 2nd.
- G. Progress report on Public Works projects, City water project, and other Sand City community programs by City Engineer/Community Development Director/City Administrator. City Engineer Kulakow reported he will have a staff report for the August 17th meeting regarding the bicycle trail lighting. Community Development Director Matarazzo reported the California Coastal Commission approved the Sand City Local Coastal Plan Amendment (LCPA) at their July 15th meeting. City Administrator Morgan reported he distributed a copy of a memo that he gave to Monterey-Salinas Transit regarding renewal of their contract. The City only receives \$6,500 per year in Local Transportation Funds (LFT) and cannot continue this huge expense from the general fund. This item will be presented to the City Council at a future date.

AGENDA ITEM 10, NEW BUSINESS:

- A. Upcoming events, meetings and RSVP's were revised.

AGENDA ITEM 11, CLOSED SESSION:

- A. City Council adjourned to Closed Session to confer with legal counsel regarding anticipated litigation pursuant to §54956.9(b) of the Ralph M. Brown Act (1 case).
- B. 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 (4 cases) -
 - (1) Cal-Am Water v. Seaside, Sand City et al
 - (2) Security National Guaranty, Inc. (Case No. 03-55847-NM)

- (3) Coos County v. Department of the Interior (U.S.D.C. Case No. CV 6128 HO)
 - (4) City of Cerritos, et al v. State Board of Equalization et al (Case No. RG04144275)
- 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): Anticipated litigation - The City Council gave direction to the City Attorney with regard to this anticipated litigation.

B (1): CalAm Water v. Seaside, Sand City et al (Monterey County Superior Court Case No. M66343) - update only, no action taken.


B (2): Security National Guaranty, Inc. (Case No. 03-55847-NM) - not discussed.

B (3): Coos County v. Department of the Interior (U.S.D.C. Case No. 02 CV 6128 HO) - not discussed.

B (4): City of Cerritos Lawsuit (plover) - not discussed.

AGENDA ITEM 12, ADJOURNMENT:

- A. Motion to adjourn was made by Councilmember Blackwelder, seconded by Councilmember Kruper, to the next regularly scheduled City Council meeting on August 3, 2004, 7:00 p.m. There was unanimous consensus of the Council to adjourn at 8:53 p.m.



Debra Taylor, City Clerk

**SAND CITY
PUBLIC WORKS DEPARTMENT**

MEMORANDUM

July 26, 2004

703013.4

TO: Kelly Morgan
Steve Matarazzo
Jim Heisinger
Michael Klein

FROM: Stan Kulakow

SUBJECT: Earthworks Contract – City Hall Sign Wall and Landscaping
Friday, July 23, 2004 Field Meeting

PRESENT: Ric Straus, Earthworks
Jim Polizzi, Earthworks
Stan Kulakow
Chief Klein

This meeting was to facilitate moving ahead on the sign wall and other project work. Ric reported he has been attempting to contact the Miller Brothers Concrete Co. regarding the 6" facing repair of the sign wall – no contact as of Friday morning.. Ric is to report back to me. David Martin is to provide construction details.

We also discussed moving ahead with the other work away from the sign wall work area. This includes backfilling the other walls near the bus shelter, and preparation for the sidewalk including compaction. Compaction testing for the sidewalk will be done on Tuesday p.m. and Wednesday a.m. I have contacted Twining Laboratories to do the test work. The irrigation and electrical work will follow next. The objective is to complete as much work as can be completed before August 7, 2004.

We will monitor this work.

X A note on the discussion following the Closed Session July 20, 2004 Council Meeting: Present were Kelly, Jim, Jerry Blackwelder, David Martin, Stan, and Ric Straus. We informed Ric Straus of the Council action to replace the wall or install David Martin's 6" thick repair. Ric said he will follow up on the 6" new surface and will contact Miller Brothers Concrete to do the work. X

SK/tj

cc: David Martin
Elke Lucking, BFS
Mike Bittner