

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting - August 3, 2004
7:00 PM

Mayor Pendergrass opened the meeting at 7:02 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:

In accordance with §54954.2(b) of the Brown Act, it was necessary to amend the agenda to add two urgency items for consideration this evening: City Resolution Rescinding Resolution SC 04-63 and City Resolution Approving Placement of a General Purpose Transactions and Use Tax Measure on the November 2, 2004 Ballot.

Motion to add urgency items as agenda items 8-D and 8-E was made by Councilmember Carbone, seconded by Councilmember Blackwelder. AYES: All members. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

- A. Additional written communications distributed to the City Council this evening included a revised portion of the agenda adding two urgency items; amendment to Jaguar Coastal Development Permit (item 7-A); City Engineer memo updating civic center project (8-A); urgency resolution (8-D); urgency resolution (8-E); and update on CalAm v. City of Seaside et al. for Closed Session (item 10-A).

- B. The floor was opened at 7:05 p.m., but there were no oral communications from the public.

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 #257, Precision Porsche (Auto Repair), 475-A Olympia Avenue
 - (2) CUP #317, Rick's Auto Upholstery (Auto Upholstery), 713 Dias Avenue
 - (3) CUP #334, Bob Hayes (Auto Repair), 336 Orange Avenue
 - (4) CUP #345, James Obara (Mobile Home), 770 Tioga Avenue
 - (5) CUP #370, Economy Cleaners (Dry Cleaners), 840 Playa Avenue
 - (6) CUP #378, Carmel Glass Company (Glass Contractor), 613-B Ortiz Avenue
 - (7) CUP #388, Sanctuary Rock Gym (Recreation), 1855-A East Avenue
 - (8) CUP #396, McDonald's Restaurant (Fast Food), 990 Playa Avenue
- B. There was no discussion of the July 20th Minutes.
- C. Approval to send letter to the California Public Utilities Commission (CPUC) requesting adoption of Ordinance 92 (Monterey Peninsula Water Management District) as tantamount to their requirement regarding water moratorium.
- D. There was no discussion of the repairs and updates to the Chamber audio equipment. Staff received three bids, and the work will be done by Bandwagon Media Services.

Motion to approve Consent Calendar was made by Councilmember Kruper, seconded by Councilmember Hubler. 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, PUBLIC HEARING(S):

- A. Associate Planner Pooler presented 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 at 1711 Del Monte Blvd, and to create an artificial off-road course for vehicle demonstrations. The project qualifies as a categorical exemption under State CEQA Guidelines Section 15301; and corresponding **City RESOLUTION** [continued from July 20th]. There was an update to the resolution distributed this evening. The applicant has withdrawn his request for a demonstration course as part of this permit application. There will be a 50' encroachment into the railroad right-of-way for a width of 700', and access to the yard will only be through the applicant's Seaside property. Staff recommends the fence be either a board-on-board or batten-on-board design with a cap piece or a design equivalent subject to approval by the Community Development Director. The permit is for a two-year term with possible extensions. Amendments were made to the resolution title and Condition #10.

Councilmember Hubler asked if the City of Seaside plan to build their bicycle trail soon? City Engineer Kulakow said it is dependent on funding and Seaside can make the property owners adjust their fencing to this planned corridor. Mr. Pooler stated this information is in the permit. City Administrator Morgan said that TAMC staff is committed to this bicycle path. The bicycle path will take room from the east side of the railroad right-of-way.

7:12 P.M. Floor Open for Public Comment

KEN BOSWELL (General Manager, Jaguar): They will be setting up the demonstration track as part of their franchise agreement, and it will be placed on the Seaside portion of their property. He accepts the conditions of approval.

7:13 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.

- B. Community Development Director Matarazzo presented the receipt of public comments on the Environmental Impact Report (EIR) on the Sand City water supply project (*no action required at this meeting*). Mr. Matarazzo introduced key members that worked on this project - Derek Williams (hydrogeologist), Nora Monette (David Powers & Associates), and David Powers. Tonight's public hearing is to receive comments on the draft EIR and responses will be incorporated into the document. Mr. Matarazzo gave an outline of the regulatory agencies and processes for this project to proceed. The City currently uses 135 acre feet per year and the desal plant proposes 300 acre feet per year. City Engineer Kulakow gave a power point presentation that was originally viewed 18 months ago. If this desal is not built, it will be a long time for water to become available for new homes, remodels of live/work sites, or the redevelopment plan. A draft business plan will be created by the City Engineer in the next few months for Council review. The costs to acquire the CalAm water lines have not been determined at this time.

7:47 P.M. Floor Open for Public Comment

MICHAEL MORRIS (Resident): He noticed discrepancies between the draft EIR and the presentation this evening for capital expenditures, proposed monthly costs to residents, and connection fees. This needs to be consistent and as accurate as possible. Mr. Kulakow said that CalAm costs are not itemized in the capital expenditures.

7:51 P.M. Floor Closed to Public Comment

Mr. Matarazzo said that only a few comments on the draft EIR have been received to date, but he expects more comments by the August 10th deadline. Mr. Heisinger replied that more current information will be integrated into the final EIR.

- C. FIRST READING: Ordinance Updating Title 2 and Title 9 of the Sand City Municipal Code. This is a housekeeping item for the municipal code book and will delete "Vacations" (Chapter 2.24) and "Driving While Intoxicated" (Section 9.04.020). Vacation schedules are incorporated into the personnel manual, and drunk driving offense codes are part of the State penal laws.

7:56 P.M. Floor Open for Public Comment

No comment.

7:56 P.M. Floor Closed to Public Comment

Motion to approve first reading of the ordinance was made by Councilmember Carbone, seconded by Councilmember Kruper. Roll call vote

AYES: Councilmembers Blackwelder, Carbone, Hubler, Kruper, Pendergrass.
NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

- D. Community Development Block Grant (CDBG) grant closures for the West End Parking Study and the Sand City Housing Element was presented by Community Development Director Matarazzo. Sand City received two CDBG (#02-EDBG-866 for \$35,000 and #02-STBG-1763 for \$26,000) that require a final public hearing to provide a closing report to the public on the activities completed and allow an opportunity for comment. No action is required from the City Council.

7:59 P.M. Floor Open for Public Comment

No comment.

8:00 P.M. Floor Closed to Public Comment

AGENDA ITEM 8, OLD BUSINESS:

- A. City Engineer Kulakow gave an update on the civic center improvement project. A July 29th memorandum from his office giving an update was distributed this evening. Samples for the wall are still being considered. In the meantime, concrete and landscaping work are continuing.
- B. Arts Committee Chair Kruper gave an update of the August 7th West End Event. There will be a pre-event reception on Friday August 6th at Sanctuary Rock Gym, and a post-event reception at Hawthorne Warehouse (\$10 per person cost). Sponsorship funds have been received from a number of Sand City businesses, and other City businesses will be sponsoring artists by displaying their work. City Administrator said that the Arts Committee has done a good job in making this an event that is not just City-sponsored. It's a community event in local businesses, artists and residents.
- C. 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 introduced Arlen Synder of Creegan + D'Angelo, who will be working on the desal project. The bicycle lighting design options will be presented to the Design Review Committee later this month.
- D. Urgency item addition: City **RESOLUTION Rescinding Resolution SC 04-63** (approving placement of measure on November ballot). This was rescinded in order to clarify the intent of the City Council (see agenda item 8-E).

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

- E. Urgency item addition: City **RESOLUTION Approving Placement of a General Purpose Transactions and Use Tax Measure on the November 2, 2004 Ballot.** The City Attorney determined the measure must be completed by initiative, not referendum. Therefore he has made changes in the new resolution to clarify that this ballot measure is presented as an initiative. The ordinance should be structured as an "Ordinance Of The People if approved by a majority vote. The City will now operate on the statutory deadlines, not on the early submission dates as requested by the Elections Department.

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

AGENDA ITEM 9, NEW BUSINESS:

- A. Community Development Director Matarazzo presented the City **RESOLUTION Establishing Policy Regarding Deferred Public Improvement Requirements of Land Use Entitlements.** With the introduction of mixed use zoning, it has been more difficult to determine when an Owner Participation Agreement (OPA) should be triggered given the fact that most new businesses require a Conditional Use Permit (CUP) to insure residential compatibility. If a "deferred improvements" policy is used it will require the developer/property owner to pay a pro rata share of the cost estimate of street improvements at the time of land use entitlement. The City Engineer will provide cost estimates and will be handled on a case-by-case basis, with the criterion being expansion of existing structure or intensification of land use. The funds could be placed into an interest-bearing account until the street improvements are made. This would also stop any unexpected expenses if property is sold to a new owner. Councilmember Carbone asked how undergrounding utility cost requests be handled? Mr. Matarazzo said it can be included in the assessment for curb, gutter, streets and future undergrounding of utilities. City Attorney Heisinger said this is a much better system than what we have now and will create better uniformity. The City Engineer should create a list of street improvement costs street-by-street. After some discussion, it was determined the third resolve allowing exceptions be deleted to maintain uniformity.

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

- B. City Administrator Morgan presented the City **RESOLUTION Authorizing Engagement Letter for Legal Services with Thomas D. Roth Regarding Negotiations with U.S. Fish & Wildlife Service Concerning Resolution of Endangered Species Issues in Sand City**, for an amount not to exceed \$2,500 plus costs. Under court order, the Fish & Wildlife Service must issue the proposed critical habitat designations by December 2004. Sand City would participate in the administrative process for designating the critical habitat for the snowy plover. If additional work is needed beyond this stage, these services would be provided by Mr. Roth at a special rate for Sand City of \$250 per hour, and there is \$1,000 remaining from his prior contract. Community Development Director Matarazzo received a call from U.S. Fish & Wildlife stating they have more evidence from other projects in California using data from monitoring biologists. They feel Sand City can continue with the Habitat Conservation Plan process in lieu of this information.

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

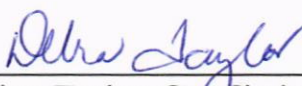
- C. Events and/or meetings was not discussed.

AGENDA ITEM 10, CLOSED SESSION:

- A. It was determined by the City Attorney that 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) - Cal-Am Water v. Seaside, Sand City et al. An update on this issue was distributed this evening.
- B. Re-adjournment 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 was not necessary.

AGENDA ITEM 11, ADJOURNMENT:

- A. Motion to adjourn was made by Councilmember Hubler, seconded by Councilmember Kruper, to the next regularly scheduled City Council meeting on August 17, 2004, 7:00 p.m. There was unanimous consensus of the Council to adjourn at 8:48 p.m.



Debra Taylor, City Clerk