

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting - February 18, 2003
7:00 PM

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

There was no 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. There were no additional written communications distributed to the City Council.
- B. The floor was opened at 7:02 p.m. for oral communications, but no comments were made by 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. There was no discussion of the February 4, 2003 Minutes.
- B. There was no discussion of the City **RESOLUTION Proclaiming the Week of March 9-15, 2003 as Girl Scout Week in the City of Sand City.**

- C. There was no discussion of the monthly Police Department Activity Report, January.
- D. There was no discussion of the monthly Fort Ord Reuse Authority (FORA) Report, February.

Motion to approve Consent Calendar was made by Councilmember Blackwelder, seconded by Councilmember Hubler. AYES: All Councilmembers. NOES: None. ABSENT: None. ABSTAINED: 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 Conditional Use Permit (CUP) application by Brad Harber, owner of Harber Concrete Services, to utilize an existing 4,500 sq. ft. fenced property located at the end of Fir Avenue (no address) on APN 011-123-003 and 017 for open storage and limited manufacture of concrete. This is within a non-coastal Manufacturing (M) zoning district, requires discretionary permit approval in accordance with §18.20.030 and 18.27.020 of the City's zoning ordinance, and qualifies as a Categorical Exemption under State CEQA Guidelines, Section 15301. The applicant proposes to store rock, sand, a front-end loader, mobile concrete dispenser vehicle, dump truck, 2-3 trailer-type cement pumps, and trailers for miscellaneous tools. The cement would be maintained within a 30' long by 14' high silo. Staff recommends that the silo be located along the southeastern property line, adjacent to the neighboring building to minimize its visibility. The applicant has been informed about the site's possible redevelopment in the future, and this is considered an interim use for one year. Staff stated there should be adequate on-site water credit from the down-sized Monterey Fish Company operation to facilitate the proposed use. City Attorney Heisinger recommends that staff send a letter to the applicant prior to the one-year deadline, and Condition #3 could be reconsidered at that time to continue the CUP.

7:12 P.M. Floor Opened to Public Comment

BRAD HARBER (Applicant): He made some minor corrections to the staff report and permit. A limited amount of concrete will be manufactured on site, and in answer to a question he has a mobile concrete dispenser that is truck mounted. The truck is compartmentalized and all mixing is done at a

job site. Mr. Pooler responded to his question about removal of barbed wire, and it should be removed by the property owner or the applicant. There was some discussion regarding hours of operation (Condition #5) and an amendment was made to the permit. Mr. Harber asked that the permit commence March 1st, and he understands that the developer or property owner may give him a 30-day notice to vacate if the redevelopment project begins. In response to a question, Mr. Harber said the site is large enough for his size operation and to accept any deliveries. He would like to stay at this location for more than one year if possible.

7:21 P.M. Floor Closed to Public Comment

Motion to approve Conditional Use Permit for Mr. Harber, as amended, was made by Councilmember Hubler, seconded by Councilmember Kruper. AYES: All members. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

- B. FIRST READING: Ordinance Approving an Amendment to Contract Between the Board of Administration, California Public Employees' Retirement System (PERS) and the City of Sand City was presented by City Administrator Morgan. This ordinance is the next step as required by PERS for the Sand City police officers PERS retirement benefits increase to 3% at age 55 formula. This PERS increase was the main request and negotiation issue by the Sand City Police Officers Association (SCPOA) as part of the current fiscal year budget.

7:28 P.M. Floor Opened to Public Comment

No comments.

7:29 P.M. Floor Closed to Public Comment

Motion to approve first reading of the Ordinance, by title only, was made by Councilmember Kline, seconded by Councilmember Kruper. Roll call vote - AYES: Councilmembers Blackwelder, Kline, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 8, OLD BUSINESS:

- A. City Engineer Kulakow presented the City **RESOLUTION Authorizing Participation with the Filing of a Notice of Intent (NOI) at the Central Coast Regional Water Quality Control Board as a Participant in the Monterey Regional Storm Water Program.** Phase II of the National Pollution Standards (NPDES) is a culmination of work by the state

water task force and is a requirement by the Environmental Protection Agency (EPA). The State is currently in the process of adopting their resolution to meet requirements. There is a \$1,000 filing fee, based on population. Mayor Pendergrass said he would like the State to be aware of the City's efforts over the years by having the drainage/percolation system in the shopping centers with the absorption pillows (acting as grease traps).

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

[Due to a possible conflict of interest by residing within 500' of the project area, Agency member Blackwelder abstained.]

- B. Review of developer selection process for Robinette site owned by the Sand City Redevelopment Agency (Ortiz Avenue to Southern Pacific Railroad, at the end of Elder and Shasta Avenues) was presented by Executive Director Morgan. Staff has been working with two redevelopment finalists (the Olson Company and Saroyan Masterbuilders) for some time. Financial offers from both applicants have varied substantially and staff has strong concerns with the financial discrepancies between the two developers. In staff's opinion, neither proposal is at the stage where a development agreement can be drafted with the Agency. The appraisals from John Hanna (Robinette and adjacent parcels) are still due and he is requesting a meeting with Agency staff on February 28th. Staff has met with another developer on two occasions that may be a candidate in the future if another Request for Proposals is required.

Agency Planner Matarazzo said a refined scope of work was sent in October and required a proforma from each developer. To date, Saroyan Masterbuilders has not committed a financial plan in writing. Chairman Pendergrass made the motion to have staff perform thorough background check on Saroyan et al prior to making recommendations to the full Redevelopment Agency Board. There was consensus by the Board members to approve the motion.

[Agency member Blackwelder returned to the dais.]

- C. Progress report on Public Works projects, City water Project, Project Study Report (PSR), redevelopment projects, and other Sand City community programs by City Engineer/Community Development Director/City Administrator. City Engineer Kulakow reported that he will be seeking authorization in March to advertise the California Avenue work; and he is still awaiting a response from the Seaside Sanitation District on the letter that was sent

regarding upgrades to the sewer system. Community Development Director Matarazzo said that staff is working on minor comments received from Housing & Community Development (HCD) on the Housing Element. There is an urban design workshop proposed for the March 4th agenda on future street improvements and amenities. Some of the elements to be discussed will be lighting, parking, pedestrian access, trees, street furniture (benches, lighting, etc.). Staff and consultants look forward to City Council input. Mayor Pendergrass announced that at the February 27th Water District Board meeting, their proposed desal project will be discussed. City Administrator said that the Randazzo property on Orange Avenue that was traded with the Redevelopment Agency site on Sylvan is up for sale. Staff will investigate if there is a time limit on the water allocation.

AGENDA ITEM 9, NEW BUSINESS:

- A. Agency Planner Matarazzo presented the Redevelopment Agency **RESOLUTION Authorizing a Relocation Assistance Contract with Linda Norwood on the South of Tioga Redevelopment Project**. This is an opportune time to move ahead on this 11 acre redevelopment site. He estimates there are 9 residential and 13 business relocations that will be required to assemble this site. While seeking a relocation consultant, Ms. Norwood came highly recommended. Staff has checked her references determining she is well qualified and her rates are reasonable. This contract is not to exceed \$7,500.

LINDA NORWOOD (Consultant): She has been a relocation consultant for 18 years and has completed very large and very small jobs. She does not advertise and most of her business is repeat or word-of-mouth. She cares deeply - about budgets, work, attitude, and relocation clients. Ms. Norwood said that even a planned move is difficult, so she tries to make this process as painless as possible for families and business owners. She understands that part of *who* someone is may be associated with *where* they live.

Executive Director Morgan met with DBO last week, and Mr. Orosco reported that he is in very serious negotiations with Home Depot, who is the most willing business to deal with a project with these relocation and land costs, and they have experience with prevailing wage issues. Lowes does not have as much experience with California issues. DBO's Exclusive Negotiating Agreement (ENA) expires March 31, 2003 and will need a second extension. This ENA extension will be on a March agenda and may only be extended to July so staff can start working on a Disposition and Development Agreement (DDA) with DBO Development.

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

- B. City Administrator Morgan presented the proposed Sand City response to the 2002 Monterey County Civil Grand Jury Report on two specific issues: (1) Availability of Water on the Monterey Peninsula and Role of the Monterey Peninsula Water Management District, and (2) Fluoridation of Drinking Water in Monterey County. Minor adjustments to the draft letter was made by staff and Mayor Pendergrass. City Council consensus to send the amended letter to the Grand Jury.

AGENDA ITEM 10, CLOSED SESSION:

- A. The City Council adjourned to Closed Session to confer with legal counsel regarding pending litigation pursuant to §54956.9(a) of the Ralph M. Brown Act (3 cases) - *Amicus Brief SNG v. California Coastal Commission, Coos Bay v. U.S. Fish & Wildlife, Seaside et al v. Monterey Peninsula Water Management District*
- B. To confer with legal counsel regarding anticipated litigation pursuant to §54956.9(b) of the Ralph M. Brown Act (1 case)
- C. 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:
 - (A-1) *SNG v. California Coastal Commission*: no action
Coos Bay v. U.S. Fish & Wildlife et al: Direction given to staff to pursue settlement negotiations.
 - (A-2) *Water issues - anticipated litigation*: Attorney report only, no action taken.
 - (A-3) *Seaside et al v. Monterey Peninsula Water Management District*. No action.
 - (B) *Water issues - anticipated litigation*. No action.

AGENDA ITEM 10, ADJOURNMENT

- A. Motion to adjourn was made by Councilmember Kruper, seconded by Councilmember Hubler, to the next regularly scheduled City Council meeting on March 4, 2003, 7:00 p.m. There was unanimous consensus of the Council to adjourn at 8:48 p.m.



Debra Taylor, City Clerk