

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

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

Reverend Ted Britain 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. There were no additional written communications distributed to the City Council this evening.
- B. The floor was opened at 7:04 p.m. for oral communications, but there were no comments from the public. Mayor Pendergrass announced the joint meeting with the Marina Coast Water District that is scheduled for Thursday, March 20<sup>th</sup>, 7:00 p.m. in the Sand City Council Chambers.

**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 March 4, 2003 Minutes.

- B. There was no discussion of the Monthly Police Department Activity Report, February.
- C. There was no discussion of the Monthly City/Redevelopment Agency Financial Report, January.
- D. There was no discussion of the City **RESOLUTION Declaring May 2003 as Clean Air Month in Sand City.**
- E. There was no discussion of the City **RESOLUTION Honoring the 2003 Monterey County Outstanding Women Award Recipients** which are Shari Hastey, Mary Ann Kline, Dr. Dorothy Lloyd, Mary C. Owens, Juanita Padilla, Suzanne Porter, Sylvia Waldrup Quarles, Mary Lou Stutzman, Ruth Vreeland, and Paula Wainwright (posthumously).
- F. Consideration of City RESOLUTION Honoring Mary Ann Kline as a 2003 Monterey County Outstanding Women Award Recipient was pulled from the Consent Calendar and considered under agenda item 6.

Motion to approve Consent Calendar items A through E was made by Councilmember Hubler, seconded by Councilmember Kruper. AYES: All Councilmembers. NOES: None. ABSENT: None. ABSTAINED: None. Motion carried.

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

- F. There was no discussion of the City **RESOLUTION Honoring Mary Ann Kline as a 2003 Monterey County Outstanding Women Award Recipient.**

Motion to approve Consent Calendar item 5-F was made by Councilmember Kruper, seconded by Councilmember Hubler. AYES: Councilmembers Blackwelder, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAINED: Councilmember Kline. Motion carried.

**AGENDA ITEM 7, PRESENTATION(S):**

- A. Mayor Pendergrass made a presentation of Sand City Resolution Honoring Mary Ann Kline, recipient of the 2003 Monterey County Outstanding Women Award. The 17<sup>th</sup> annual celebration honoring these award recipients will be held Sunday, March 23<sup>rd</sup>, 2:45 p.m. at the CSUMB Ballroom. A reception in honor of Vice-Mayor Kline will be held this evening after the meeting.

## AGENDA ITEM 8, PUBLIC HEARING(S):

*[Due to a possible conflict of interest by residing within 500' of the project area, Councilmembers Blackwelder, Hubler, and Kruper had to draw straws to determine who would abstain. As a result of that drawing, Councilmembers Hubler and Kruper abstained and left the dais.]*

- A. Associate Planner Pooler presented the application submitted by Greg Hawthorne for tentative subdivision map approval of his mixed-use project located at 430 and 440 Ortiz Avenue to establish condominium ownership for the two existing commercial units and four existing residential units. The project is located within a non-coastal Medium Density Residential Planned Unit Development (R2-PUD) zoning district, and qualifies as a categorical exemption under state CEQA Guidelines, Section 15301(k); and corresponding City **RESOLUTION Approving the Tentative Subdivision Map for Greg Hawthorne and his Mixed-use Development Project Located at 430 and 440 Ortiz Avenue in Sand City**. This condominium subdivision will permit the sale of the first floor commercial units and the upper residential units for separate ownership. After staff completed its review of the tentative subdivision maps, the applicant submitted a new set of revised maps on March 12<sup>th</sup>, incorporating much of staff's recommendations and included a lot line down the center of the project to separate the two buildings onto their own lots. To allow the creation of two lots, a joint use/mutual access easement between the two homeowners associations is needed. The Conditions, Covenant and Restrictions (CC&R) will need to include this joint use concept. The proposal does not impact or alter the physical structure of the property, nor does it have any direct adverse impact to neighboring properties. The proposed subdivision is consistent with the land use goals and policies of the City's General Plan. Two modifications were made to the Resolution.

7:15 P.M. Floor Opened to Public Comment

GREG HAWTHORNE (Property Owner): He gave thanks to City staff for taking care of these last minute adjustments and for Council's consideration. He is excited to be the first one to be making these kinds of changes within the City and the West End. He is looking forward to others stepping up to the plate. Mr. Hawthorne announced the April 11<sup>th</sup> fundraiser for the Big Sur Arts Initiative to be held at the Ortiz Avenue address from 8:00 p.m. to midnight.

7:16 P.M. Floor Closed to Public Comment

Motion to approve Resolution by title only, as amended, was made by Councilmember Kline, seconded by Councilmember Blackwelder. AYES:

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

*[Councilmembers Hubler and Kruper returned to the dais.]*

- B. Associate Planner Pooler presented the Conditional Use Permit application by Knox Roofing to utilize an existing commercial building located at 414 Orange Avenue (APN 011-271-023) to establish a showroom, sales floor, administrative office, and minimal enclosed storage for their roofing business. The project qualifies as a categorical exemption under State CEQA Guidelines, Section 15301, the project is within a non-coastal Planned Mixed-Use zoning district; and corresponding City **RESOLUTION Approving Conditional Use Permit 427 for Knox Roofing to Allow a Showroom, Sales, and Office at 414 Orange Avenue in Sand City**. This is not a typical Sand City roofing company in that the applicant does not propose to use tar kettles. They will deliver materials directly to contract job sites, eliminating the need for most on-site storage. In addition to the roofing material products, the showroom will also display and sell pre-manufactured elevated planter boxes. This operation is more retail/service oriented than that of a typical contractor operation. The site has adequate space for eight on-site parking spaces and two-way vehicular circulation. As a safety and aesthetic issue, the barbed wire on the 6' high chainlink fence will be removed. Staff also recommended elimination of the fencing and requires landscaping with planter boxes along the Catalina Street property frontage to provide adequate ingress and egress of the property and improve driver visibility.

7:20 P.M. Floor Opened to Public Comment

WARREN KNOX (Applicant): He has been in the trade for over twenty years, and it has been a dream of his to serve the Monterey Peninsula area (as well as Santa Cruz). He stated that the property has been cleaned up and now looks much better. He guarantees the curb appeal will be pleasing and has designed elevated planter boxes for better esthetics. He agrees to remove the barbed wire and the fence.

In response to a question by Councilmember Kline, Mr. Pooler said the driveway is wide enough, but the gate was not, which is one reason staff was recommending the removal of the fence.

DON MERCURIO (Property Owner): He is contracting with a Sand City business to remove the fencing and it will look much better. He feels this will be a good looking business for the City.

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

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

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

- A. 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 said that the City contracted with Superior Electric and the new flag pole now has lighting - it looks very good. He has also been working with the City of Seaside on their proposed bicycle trail along the railroad right-of-way. They expect to have their design plans within the next month or two. Seaside received a grant for the trail to run along Del Monte Blvd, but reconsidered to place it along the railroad right-of-way so parking is not removed along Del Monte. Mr. Kulakow also received a copy of the Graniterock lease with the Union Pacific Railroad, and it will not effect the proposed bicycle trail. There is a March 27<sup>th</sup> pre-construction meeting for the Park Avenue undergrounding work that will start in early April. Mayor Pendergrass directed staff to replace any bicycle path lights that are burnt out.

Community Development Director Matarazzo reported that he met with the Monterey Bay Marine Sanctuary staff to listen to their desalination concerns. There are eight desal facility proposals (from Cambria to Santa Cruz County) being considered at this time. They have concerns, especially for the population growth potential, even though they acknowledge this is not within their purview. One of the main items discussed was the Sand City desal and the Water District's proposed desal in Sand City. The Sanctuary agrees that Moss Landing is a better site for the Water District's desal. Mayor Pendergrass re-announced the joint meeting with the Marina Coast Water District to be held Thursday, March 20<sup>th</sup> in the Council Chambers. There was some discussion by Council and staff of the status and future of the Monterey Peninsula Water Management District. Ernie Avila has resigned as Executive Director.

#### **AGENDA ITEM 10, NEW BUSINESS:**

No items.

#### **AGENDA ITEM 11, 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) - (1) *Amicus Brief SNG v. California Coastal Commission*, (2) *Coos Bay v. U.S. Fish & Wildlife*, (3) *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
  - (A-2) *Coos Bay v. U.S. Fish & Wildlife et al*: no action
  - (A-3) *Seaside et al v. Monterey Peninsula Water Management District*: no action
  - (B) *Water issues - anticipated litigation*: no action.

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

- A. Motion to adjourn was made by Councilmember Blackwelder, seconded by Councilmember Kruper, to the special joint meeting with Marina Coast Water District on March 20<sup>th</sup> and to the next regularly scheduled City Council meeting on April 1, 2003, 7:00 p.m. There was unanimous consensus of the Council to adjourn at 8:00 p.m.

A reception in honor of Vice-Mayor Kline was held after the meeting.



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Debra Taylor, City Clerk