

**MINUTES**  
**JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY**  
**City Council Chambers**  
**Regular Meeting - April 15, 2003**  
**7:00 PM**

---

Mayor Pendergrass opened the meeting at 7:04 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  
Mike Bittner, Acting City Engineer  
Charles Pooler, Associate Planner

**AGENDA ITEM 4, COMMUNICATIONS:**

- A. The additional written communications distributed to the City Council this evening included advertising information and Seaside/Sand City Chamber map (item 10-B).
- B. The floor was opened at 7:06 p.m. for oral communications, but there were no comments from the public. Mayor Pendergrass acknowledged the new display showing art pieces from Sand City studios and artists. Arts Chair Kruper announced the "close of show" reception to be held in conjunction with the Seaside/Sand City Chamber of Commerce on May 23<sup>rd</sup>, 5:00 - 8:00 p.m.

**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 April 1, 2003 Minutes.

- B. There was no discussion of the Monthly Police Department Activity Report, March.
- C. There was no discussion of the Monthly City/Redevelopment Agency Financial Report, February.
- D. There was no discussion of the March 20, 2003 Monterey Fire Department letter on the new fire protection fee. The new fee will have a 7.6% increase from last fiscal year, for a total of \$191,284 for FY 2003-2004.
- E. There was no discussion of the letter outlining changes to the Scope of Work on the Sand City Urban Design Plan from RRM Design Group. Staff is recommending the next workshop be held at the May 20<sup>th</sup> or June 3<sup>rd</sup> meeting.
- F. There was no discussion of the City **RESOLUTION Authorizing and Designating the Monterey Regional Waste Management District to File a Grant Application and to Receive and Expend Department of Conservation City/County Payment Program (SB 332) Funds on Behalf of the City of Sand City.** The total amount of the grant is \$5,000.

Motion to approve Consent Calendar made by Councilmember Kline, 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, PRESENTATION(S):**

- A. There was a presentation by David Martin, AIA, on the proposed City Hall lighting fixtures. Three fixture options were discussed and Mr. Martin explained fixture placements depending on the option selected. Councilmember Kruper requested moveable track lighting to specifically enhance art displays in the Gallery. It was noted that Option 3 was recommended for the Council Chambers by the Budget/Public Safety Committee and would be selected for installation.

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

- A. Associate Planner Pooler presented the Conditional Use Permit application submitted by Dio K. Roberts to utilize an existing commercial building at 842

Fir Avenue to store his collection of automobiles for retail purposes. The project qualifies as a categorical exemption under state CEQA Guidelines, Section 15301 and is located within a non-coastal Manufacturing (M) zoning district, and City **RESOLUTION Approving Conditional Use Permit 429 as a Temporary Interim Use of the Property at 842 Fir Avenue to use an Existing Commercial Building for Classic Automobile Storage.** The property is located within the South of Tioga redevelopment project area and the applicant has been informed of the site's possible redevelopment in the near future. The applicant proposes to store a collection of approximately 30-35 classic and luxury cars from the 50's, 60's and 70's. The applicant's business, "Auto Gallery," provides classic vehicles for rentals, sales, and special events; however, it is not his intent to open the proposed operation to the public, but will only maintain the site for storage. There will be no on-site maintenance or repair activity.

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

DIO ROBERTS (Applicant): He agreed to the conditions and acknowledged that the staff report was thorough. In response to a question by Councilmember Kline, he will not be keeping any regular hours at this site.

7:19 P.M. Floor Closed to Public Comment

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

*[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 Blackwelder abstained and left the dais.]*

- B. Associate Planner Pooler presented the Coastal Development Permit application submitted by Fastenal Company Services to use an existing commercial unit at 2-A John Street (APN 011-177-002) as a wholesale distribution operation of construction supplies, tools, and materials. The project qualifies as a categorical exemption under state CEQA Guidelines, Section 15301 and is located within a non-appealable Coastal Heavy Commercial (CZ-C2) zoning district, and City **RESOLUTION Approving Coastal Development Permit 03-01 for Fastenal Company Services to Use an Existing Commercial Building as a Distribution Warehouse of Construction Materials.** Deliveries to customers are via a pickup truck that will not be stored at the site during non-business hours, and there will be no manufacturing. Due to the location of this building and that it is away

from the standard flow of traffic and activity, staff does not anticipate the proposed use at this particular location will create a nuisance to nearby residential dwelling units.

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

The floor was opened but there were no comments by the public and the applicant was not present.

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

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

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

- C. Associate Planner Pooler presented the Conditional Use Permit application submitted by Christopher Wright to operate a skate park commercial recreational facility within a portion of an existing commercial building located at 1855 East Avenue (portion of APN 011-135-014). The project qualifies as a categorical exemption under state CEQA Guidelines, Section 15301 and is located within a non-coastal Manufacturing (M) zoning district, and City **RESOLUTION Approving Conditional Use Permit 428 as a Temporary Interim Use of the Property at 1855 East Avenue to Establish a Skate Park in Sand City for the Monterey Bay Ramp Club**. The subject property was the former location of the Monterey Sk8 Station whose use permit was terminated by the City Council in November 2002. The property is located within the South of Tioga redevelopment project area and the applicant has been informed of the site's possible redevelopment in the near future. The applicant will operate their own skating club with membership dues and daily passes. This operation would be open to skate boarders, bike riders and roller bladers and will be within an existing building. It is also intended to serve as a training facility for local professional and competing expert bike stunt riders. There will be six employees, consisting of one general manager, three site supervisors and two maintenance/operation workers. The applicant would also like the option to open earlier than 10:00 a.m. during the summer school break, otherwise the hours will be Monday-Thursday 4:00 p.m. to 8:00 p.m., Friday open to 10:00 p.m., Saturday noon to 10:00 p.m. and Sunday noon to 8:00 p.m. The proposed skate park with new owners/managers will avoid many of the circumstances that created problems with the previous operation. Staff is confident that with rigorous adherence to limited daytime and early

evening operating hours, prohibition of in/out activity, and maintaining the closure of the roll-up doors, any generated noise should be adequately contained. Staff is recommending a one year permit approval.

7:33 P.M. Floor Opened to Public Comment

CHRISTOPHER WRIGHT (Applicant): He wanted to clarify that they are not associated with the prior tenant. In response to a question by Councilmember Hubler, they plan to open their business in July.

JUAN MESSER: He agrees that enforcing the hours is essential in keeping the facility clean, that this is an excellent facility and is good for the community.

KAREN ALBERT: She agrees with Mr. Messer and strongly encourages the City Council to approve the use. She drives from Watsonville for a safe facility that her son can use for skating.

CHRISTINE (inaudible): She is here tonight in support of the applicant. She does not feel that the Monterey skate park is safe and having this facility in Sand City will provide a place for her son to skate.

DICK ROSS (Property Owner): He supports this applicant and his proposed business. He feels more comfortable with this new applicant than the prior tenant.

7:54 P.M. Floor Closed to Public Comment

City Attorney Heisinger's comments included that Mr. Ross is to control the use of this building through his lease with the tenant, the applicant is in the process of buying equipment and fixtures so if the resolution is approved this evening, he can open his business immediately. The Community Development Director pointed out that the landlord (property owner) has to sign the use permit and is a party to this agreement. Councilmember Kruper confirmed that the Police Chief has reviewed this application and has no problems with what is being proposed this evening.

Motion to Resolution, by title only, was made by Councilmember Hubler, seconded by Councilmember Blackwelder. 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, redevelopment projects, and other Sand City community programs by City Engineer/

Community Development Director/City Administrator. Acting City Engineer Bittner gave an update on the Calabrese Park light installation stating the footings are in but it is taking time to receive the order for the fixtures. The undergrounding utilities, street light installation, sewer upgrades, and drains are being installed along Park Avenue. Community Development Director Matarazzo said he will be meeting with TAMC staff to discuss encroachment policy in the railroad right-of-way, traffic links, and proposed railroad stops in Fort Ord. Councilmember Kruper reported on his second meeting as the City's representative to the School District. There was a presentation and meeting on the Intranet. Their next quarterly meeting will be in June. City Administrator Morgan reported on AB1412 which would authorize permanent permission for cities to go to the voters with either a .25 or .5 percent increase in local sales taxes. A letter requesting support of this Assembly Bill will be sent to Assembly member John Laird. Due to the current fiscal impacts to California cities, this would be a good source of new revenue for the City's General Fund.

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

- A. Acting City Engineer Bittner led preliminary discussions of cost sharing for the City of Seaside contract agreement with Pacific Advanced Civil Engineering for design of improvements to the 90" storm drain outfall at Bay Street. City Engineer Kulakow has had discussions with Seaside Public Works staff on this issue. Engineering costs have been estimated at \$50,000 and construction costs are unknown until the engineering has been completed. City Attorney Heisinger reiterated that in 1965 the City allowed Seaside's storm drain system to pass through city limits. There was an agreement made where Seaside stated this would be their storm drain system and they're responsible for repairs, maintenance, etc. The City will have to be sure no legal responsibilities are incurred by making a financial donation to this project. Mayor Pendergrass recommended waiting until a formal request was made by the City of Seaside before any concurrence is made to the percentage of cost sharing by Sand City. There was consensus from the Council that Sand City's prorata cost should be based on its percentage of the drainage shed as outlined in the City Engineer's memo.
- B. City Administrator Morgan led the preliminary discussion of cooperative advertising opportunities for Sand City West End businesses. Some support materials were distributed this evening. This item came up because staff has not been very pleased with past advertising/public relation efforts, and a cooperative agreement will support West End businesses. There are a number of possible advertising options with Coast Weekly, and staff is recommending a 50% cost share. The Seaside/Sand City Chamber of Commerce has an official map that they publish every so often. The two

cities and various local business pay for advertising on this map. If the City Council is interested in pursuing this type of co-op program, then staff would need to enlist some outside assistance to make the contract arrangements with the City's businesses. Jackie Lambert would make sales presentations to the businesses for the map, and Wendy Brickman would make the presentations for the Coast Weekly program for a \$800-\$1,000 fee. If approved, this co-op agreement and expenditures would be recommended in the next fiscal year. As Mayor Pendergrass pointed out, the two shopping centers contain national companies and take care of their own advertising needs. He suggested that a West End "business association" be formed by businesses in that area of the City and take leadership for their own advertising needs. Councilmember Kruper asked if there would be a minimum fee if the West End started their own business association, and what happens if there is not enough participation? Mr. Morgan said the ads would not run if enough businesses did not participate. After further discussion, Mr. Morgan said that the basic expenditures would be included in the next preliminary fiscal year budget for further consideration.

- C. City Administrator Morgan gave an update on future inter-agency meetings. Mayor Pendergrass has agreed to represent Sand City at the May 15<sup>th</sup> League of California Cities meeting in Sacramento on strategies to protect local services and revenues. Mayor Pendergrass will be the official delegate for Sand City with no alternate member. Kelly, Steve and Todd will be attending the Monterey County economic forum in Monterey on May 15<sup>th</sup>. The meeting with King Ventures has been rescheduled from April 22<sup>nd</sup> to April 30<sup>th</sup> at 4:00 p.m. to discuss the status of the McDonald coastal development project and the Disposition and Development Agreement (DDA) with the Redevelopment Agency.

#### **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. 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) *SNG v. California Coastal Commission*: no action taken
  - (A-2) *Coos Bay v. U.S. Fish & Wildlife et al*: Direction given to Counsel to attend future court date.

(A-3) *Seaside et al v. Monterey Peninsula Water Management District*: not discussed

**AGENDA ITEM 12, ADJOURNMENT**

- A. Motion to adjourn was made by Councilmember Kruper, seconded by Councilmember Blackwelder, to the next regularly scheduled City Council meeting on May 6, 2003, 7:00 p.m. There was unanimous consensus of the Council to adjourn at 9:00 p.m.



---

Debra Taylor, City Clerk