

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting - July 1, 2003
7:00 PM

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. Additional written communications distributed this evening included a Herald question and answer news article with Mary Ann Leffel; a Herald news article on replacing the Monterey Peninsula Water Management District Board; revised MST contract and resolution (item 5-F); event invitations (item 9-A); and recent court papers on Coos Bay case (item 10-A-1).
- B. The floor was opened at 7:04 p.m. for oral communications, but there were no comments 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 #223, San Juan Pools of Monterey (Open Storage), 756 California Avenue
 - (2) CUP #321, John Groves (Open Storage), 872 Afton Avenue
 - (3) CUP #367, Sand Dollar Art & Framing Center (Art & Framing Shop), 824 Playa Avenue
 - (4) CUP #368, Port of Subs (Sandwich Shop), 832 Playa Avenue
 - (5) CUP #402, Cary Norman/Can-Tron (Electronics), 710 California Avenue
- B. There was no discussion of the June 17, 2003 Minutes.
- C. There was no discussion of the Monthly Fort Ord Reuse Authority (FORA) Report, June.
- D. There was no discussion of the Monthly City/Redevelopment Agency Financial Report, May.
- E. City RESOLUTION Adopting a Records Retention Schedule and Authorizing Destruction of Certain City Records was discussed under item 6.
- F. City RESOLUTION Approving an Annual Expenditure of up to \$95,076 to be Paid to Monterey-Salinas Transit (MST) for Bus Service Within Sand City was discussed under item 6.
- G. The claim by Helen Morrow filed 6/12/03 for \$500 was denied. The claim is based on smoke damage to the outside of her house caused during a controlled burn by the Monterey Fire Department of the Bascou Orange Avenue property.

Motion to approve Consent Calendar items A, B, C, D, G was made by Councilmember Kline, 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:

- E. City Administrator Morgan presented the City **RESOLUTION Adopting a Records Retention Schedule and Authorizing Destruction of Certain**

City Records. Mr. Morgan noted there should be a separate records retention schedule for the Redevelopment Agency considered at a future meeting. If any new departments or programs are created in the future amendments to the records retention schedule will be required. Additions were made to the City Clerks records retention schedule to include inventory of office equipment, heavy equipment, and inventory of real estate. Minor adjustments on retention of certain finance records were also made.

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.

- F. City **RESOLUTION Approving an Annual Expenditure of up to \$95,076 to be Paid to Monterey-Salinas Transit (MST) for Bus Service Within Sand City** was presented by Community Development Director Matarazzo. An updated resolution and contract were distributed this evening. No other Monterey County city funds MST through their general fund, it is primarily funded by the State through per capita allocation of ¼ cent of sales taxes. However, based on the City's small population and not it's retail contribution, its share of the "local transit funding" (LFT) is only \$4,000. City staff has entered into serious negotiations with MST staff on how to provide a more equitable cost for providing bus service that primarily serves non-resident transit population. Until an equitable arrangement is made, MST has agreed not to increase this year's fee while further negotiations are in progress. The attachment to the resolution was updated to reflect this current arrangement with MST.

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

AGENDA ITEM 7, PUBLIC HEARING(S):

- A. Associate Planner Pooler presented the Conditional Use Permit (CUP) application by Ted Anderson to utilize an existing commercial building at 840 Fir Avenue for automobile and boat storage. The project qualifies as a categorical exemption under state CEQA guidelines, Section 15301, is within a non-coastal Manufacturing (M) zoning district, and corresponding City **RESOLUTION Approving Conditional Use Permit 431 as a Temporary Interim Use of the Property at 840 Fir Avenue to use an Existing Commercial Building for Automobile and Boat Storage.** This property is 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 use the building to store cars and boats which will be driven or towed in during normal business hours on an average of one per day. The vehicles stored are from non-profit organizations that need to store

donated vehicles until they can be redistributed. Vehicles will be evaluated on-site, but there will be no maintenance or body work performed. Contrary to the applicant's proposal, staff does not support the request for additional portable cyclone fencing and recommends that all storage be kept within the building. Staff does recommend a one year time frame with the potential of 90-day extensions to allow interim use of the land while not impeding the long term redevelopment efforts of the City.

7:21 PM Floor Open for Public Comment

TED ANDERSON (Applicant): He has no comments, and agrees to all proposed conditions of the permit.

7:22 PM Floor Closed to Public Comment

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

- B. FIRST READING: Ordinance Adopting the 2001 California Building Code and Appendix Chapters 4, Division 1; 12, Division II, 15, and 33; 2001 California Mechanical Code; 2001 California Plumbing Code; 2001 California Electrical Code; 2001 California Fire Code and Appendix Chapters; 2000 Uniform Swimming Pool, Spa, and Hot Tub Code; 2001 California Building Standards Administrative Code; 2001 California Code for Building Conservation was presented by Associate Planner Pooler. In 2002, the State of California adopted updated editions of various building codes that became effective on November 1, 2002. The 1997 editions of the Housing Code and the Code for the Abatement of Dangerous Buildings are still current, and the Uniform Solar Energy Code is being deleted without a replacement. Inclusive of these adoptions by Sand City are more restrictive code amendments consistent with the City of Monterey to accommodate situations unique to the Monterey Peninsula. Any fee increases will be adopted by Resolution at a future City Council meeting.

7:25 PM Floor Open for Public Comment

No comments.

7:25 PM Floor Closed to Public Comment

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

AGENDA ITEM 8, OLD BUSINESS:

- A. Progress report on McDonald coastal site and discussion on King Ventures Disposition and Development Agreement (DDA). Agency Planner Matarazzo said that the EIR scope of work by David Powers & Associate is estimated to be \$207,000. An extensive traffic report will likely be required by CalTrans; a full geological report will need to include new erosion setbacks; staff is recommending that the Habitat Preservation Plan (HPP) be converted to a Habitat Conservation Plan (HCP); the project will require a 10-A permit from U.S. Fish & Wildlife (USFWS); and King Ventures is working on an extensive redesign of the project based on new erosion setback requirements. Agency Attorney Heisinger reported on the snowy plover issue and requests Council/Agency direction on either a city-wide HCP or project specific HCP. Chairman Pendergrass does not want to give in to unreasonable conditions set by Fish & Wildlife. The Memorandum of Understanding (MOU) with State and Regional Parks should have some weight on this issue. Agency staff should consider the issue legally as well as financially. Mr. Heisinger said there is concern of a future holdup, and recommends resolving issues before a huge investment of money and time are made. Staff needs to coordinate with the HCP consultant. Redevelopment Agency consensus to have staff go to the USFWS office in Sacramento to discuss proposed solutions.
- B. Progress report on Public Works projects, City water project, Robinette Exclusive Negotiating Agreement (ENA) negotiations, South of Tioga project, and other redevelopment projects, and other Sand City community programs by City Engineer/Community Development Director/City Administrator. City Engineer Kulakow reported that the Park Avenue work was completed except for the lighting which is on order; California Avenue has new crosswalks, but new color will be added to closely match existing crosswalks; California Avenue street trees look good and staff will evaluate the cost to replace street trees on Contra Costa; some street patch work has been done on Bay and Contra Costa streets; the City Hall upgrades will be going to the DRC soon; and authorization to place bids for City Hall lighting will be on the next agenda. Chief Klein reported on safety plans for July 4th which include the same street closures as last year.

City Administrator Morgan gave an update on the City water project with an outline of meetings with Marina Coast Water District, and LAFCO (which will have EIR issues). The MCWD and City sub-committees will need to set a meeting for the week of July 14th. The Robinette site Exclusive Negotiating Agreement (ENA) will be considered at the next City/Redevelopment Agency meeting. There have been two meetings with DBO Development on the South of Tioga project recently.

AGENDA ITEM 9, NEW BUSINESS:

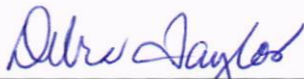
- A. City Councilmembers gave their RSVPs to some of the upcoming meetings and events.

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 (2 cases) -
 - (1) *Coos Bay v. U.S. Fish & Wildlife*
 - (2) *Palozzolo v. Sand City et al, Case No. M64359*
- 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. No action taken on either issue, informational only.

AGENDA ITEM 11, ADJOURNMENT

- A. Motion to adjourn was made by Councilmember Kruper, seconded by Councilmember Hubler, to the next regularly scheduled City Council meeting on July 15, 2003, 7:00 p.m. There was unanimous consensus of the Council to adjourn at 8:14 p.m.



Debra Taylor, City Clerk