

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting - July 15, 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. Additional written communications distributed this evening included a revised resolution for the Monterey Peninsula Water Management District application (item 7-E); June 23rd letter from the Water Management District on the Robinette site well water (item 8-A); an event notice (item 9-A); and recent billings on the snowy plover case in Coos Bay (item 10-A, Closed Session).
- B. The floor was opened at 7:04 p.m. for oral communications, but there were no comments from the public. Councilmember Kruper introduced the two new Arts Committee members Deirdre Bascou and Johnny Apodaca.

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 July 1, 2003 Minutes.

- B. There was no discussion of the Monthly Police Department Activity Report, June.
- C. There was no discussion of the voting delegate (Mayor Pendergrass) and alternate (Vice-Mayor Kline) proposed for the 2003 Sacramento League annual conference in September.
- D. There was no discussion of the Redevelopment Agency **RESOLUTION Authorizing an Extension of the Exclusive Negotiating Agreement with DBO Development for Redevelopment of the Area Known As "South of Tioga"**. This is the third extension and will expire January 20, 2004.
- E. There was no discussion of the City **RESOLUTION Approving a Contract for Geographic Information System (GIS) Software and Related City Staff Training with HdL Coren & Cone**. The one-year contract will not exceed \$3,200.
- F. There was no discussion of authorizing for bids on the City Hall lighting project. The project includes removal of existing overhead fixtures, ceiling repairs and painting as needed, and installation of new light fixtures. The estimate for this installation is \$25,000-30,000 and work will be completed over a long weekend or two weekends.
- G. There was no discussion of authorizing for bids for the City Hall landscape project.
- H. There was no discussion of the City **RESOLUTION Appointing Members to the Sand City Arts Committee**. Deirdre Bascou and Johnny Apodaca will replace Denise Holland and Catherine Khulmann.
- I. There was no discussion of the City **RESOLUTION of Intention by the City Council of the City of Sand City to Approve an Amendment to Contract Between the Board of Administration, California Public Employees' Retirement System and the City Council of Sand City**. The contract amendment will be to provide the 1959 Survivor Benefits to staff and qualifying Councilmembers.
- J. There was no discussion of the July 4th after-action report from Police Chief Klein.

Motion to approve Consent Calendar was made by Councilmember Kline, seconded by Councilmember Blackwelder. 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. **SECOND 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** as presented by Associate Planner Pooler. In response to a question raised at the last meeting, the Uniform Solar Energy Code was not being adopted because the code was outdated and the updated National Electric Code includes standards on solar technology.

7:08 PM Floor Open for Public Comment

No comments.

7:09 PM Floor Closed to Public Comment

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

- B. Associate Planner Pooler presented the Conditional Use Permit (CUP) application by Andrew Perez of Advanced Towing to utilize an existing commercial building located at 841 Fir Avenue for vehicle storage associated with a towing operation. The project qualifies as a categorical exemption under state CEQA Guidelines, Section 15301, and is within a non-coastal Manufacturing (M) zoning district; and **RESOLUTION Approving Conditional Use Permit 432 as a Temporary Interim Use of the Property at 841 Fir Avenue to use an Existing Commercial Building for Storage of a Towing Company**. Most of these vehicles will be towed on behalf of the Seaside Police Department. All storage is intended to be within the building, and no maintenance or body work will be performed. Vehicle drop offs are anticipated throughout a 24-hour period. All storage is maintained within the building, the operation excludes vehicle owner visitation to the site, and the restriction of off-hour vehicle drop offs should not cause any significant negative impacts from this proposed use. This use

is within a targeted redevelopment project area therefore use will be for one year with the potential of 90-day extensions.

7:14 PM Floor Open for Public Comment

ANDREW PEREZ (Applicant): Agrees to the conditions of the permit and does not anticipate any problems.

7:16 PM Floor Closed to Public Comment

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

- C. Associate Planner Pooler presented the Conditional Use Permit (CUP) application by Gordon Rudy of Budget Truck Rental to utilize the former Waste Management transfer facility located at 840 Tioga Avenue (APN 011-122-008, 009, 010, 011, 018, 019, 020, 023, 028, 030 and 031). The project qualifies as a categorical exemption under state CEQA Guidelines, Section 15301, and is within a non-coastal Manufacturing (M) zoning district; and **RESOLUTION Approving Conditional Use Permit 434 as a Temporary Interim Use of the Property at 840 Tioga Avenue to use the Former Waste Management Transfer Facility for Storage and Operation of a Truck Rental Business.** There will be minor on-site maintenance of vehicles consisting of oil changes and other standard fluids that will be performed by a mobile service. The applicant proposes the storage of rental trucks and trailers, and an office for management and sales. Twelve trucks (cargo vans, 24' and 15' trucks, and trailers) will be stored, and on site sales will include cardboard boxes, tape and related moving supplies. No vehicles are allowed to park within the public right of way or any other property. This property is located in the targeted redevelopment area, therefore use will be for one year with the potential of 90-day extensions.

Councilmember Hubler asked about the existing pile of rubble on the site. Mr. Pooler spoke with the property owner today (DBO Development) and work is being done this week to clean the site. DBO wishes to recycle the materials when the South of Tioga project commences and will put the rubble back into the hole/pit in the interim.

7:21 PM Floor Open for Public Comment

GORDON RUDY (Applicant): This is a short term rental and they do not have an issue with the existing rubble. No waste will be stored on site. He had a similar business at Tynan Lumber for four years without any problems. There was some discussion to change condition #6 allowing a key drop box for after-hour drop offs. Truck washing will average once weekly.

7:26 PM Floor Closed to Public Comment

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

- D. Associate Planner Pooler presented the City **RESOLUTION Accepting and Approving the Countywide Integrated Waste Management Plan Five-Year Review Report, Adopting an Amendment to the Non-Disposal Facility Element, and Authorizing the Submittal of Both to the California Integrated Waste Management Board (CIWMB)**. Under the California Integrated Waste Management Act of 1989 (AB 939) each city and county is required to review their countywide integrated waste management plan every five years, with revisions when changes or deficiencies are identified. In addition, AB 939 further requires each jurisdiction to periodically update its Non-Disposal Facility Element (NDFE) to include new facilities and revised information for existing facilities. Mayor Pendergrass thanked Mr. Pooler for his contributions as a working member of the task force.

7:34 PM Floor Open for Public Comment

No comments.

7:34 PM Floor Closed to Public Comment

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

- E. Community Development Director Matarazzo presented the Coastal Development Permit (CDP)/Conditional Use Permit (CUP) application by the Monterey Peninsula Water Management District to allow the establishment of a test well for hydro-geologic and on-shore testing related to a potential Water District desalination plant in Sand City. The test well is intended to be located at the end of Tioga Avenue, within the public right-of-way, adjacent to privately owned property (APN 011-148-001). This qualifies as a categorical exemption under State CEQA Guidelines, Section 15306, located within an appealable Coastal High Density Residential (CZ-R3) zoning district; and City **RESOLUTION Approving Coastal Development Permit 03-02 and Conditional Use Permit 433 for a Temporary Test Water Well by the Monterey Peninsula Water Management District (MPWMD)**. A revised resolution was distributed this evening. MPWMD will work with Police Chief Klein to ensure normal use of the road will not be impeded including the turnaround area at the bottom (condition #5). Permits from other agencies are required before this CDP/CUP becomes effective. The City

Council is not approving a project, just the feasibility and hydro-geologic testing. A "hold harmless" clause was added to condition #18.

HENRIETTA STERN (MPWMD Project Manager): Gave a brief overview of the proposed testing and feasibility study which will include aquifer capabilities. MPWMD acknowledges Sand City's efforts for a desal plant to serve city needs. The District seeks approval for well drilling over 7-10 days with use of the well from mid-August to October. They will be working with five other agencies including the Coastal Commission, City of Seaside, and Monterey Peninsula Regional Park District.

MIKE RUSHTON (Consultant, Jones & Stokes): These tests are being conducted in three other locations along the coast (Seaside beach parking lot, south end of Ft. Ord near the firing range and waste water pumping station). They will seek a right of entry permit from the Coastal Commission and US Fish & Wildlife, and will secure an encroachment permit from Sand City. Mr. Rushton gave a technical overview of the system that will be used. They will be drawing water 40' below the grade and when testing is completed the 12" pipe will be cut 15-20' down from the surface and then filled with grout to the grade surface.

City Administrator Morgan raised concerns about the remaining pipe becoming exposed due to erosion and a condition was added stating that the Water District is responsible for removal when this occurs. Mr. Rushton confirmed that the drilling contractor will be required to secure a Sand City business license.

8:06 PM Floor Open for Public Comment

No comments.

8:06 PM Floor Closed to Public Comment

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 8, OLD BUSINESS:

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

- A. Executive Director Morgan presented the Redevelopment Agency **RESOLUTION Authorizing the Agency to Enter into an Exclusive Negotiating Agreement with Design Center LLC for Redevelopment of the Area Known as the Robinette Site** and approving a water allocation to the

redevelopment of the Robinette site, and including reservation of one acre-foot of additional water supply and use of well water for landscaping. A recent letter from the Monterey Peninsula Water Management District regarding status of well water on the property was distributed this evening. The Saroyan Group (aka Design Center LLC) was selected as the potential developer in response to a Request for Proposals (RFP). There is 4.199 acre feet of documented water from the Robinette site, and the Redevelopment Agency agrees to reserve one more acre foot of water to this project. The use of the well water will be for landscaping, minor non-potable uses and a possible fountain. The Design Center LLC proposed project may consist of three buildings of four floors each. Due to the limited water supply this project will have to be constructed in stages with 2 of the 3 buildings being constructed in the first phase. This ENA will expire on October 21, 2003 or until parties enter into a Disposition and Development Agreement (DDA). The DDA will require the developer to pay prevailing wages for the construction of the project, contribute to the acquisition and/or exhibition of public arts, and that at least 15% of the residential units are affordable to low to moderate income households (condition #4). Condition #5 of the ENA requires a \$10,000 negotiating fee upon signing. There is a preliminary appraisal for the property and will be considered at an upcoming meeting. The DDA cannot be finalized until the appraisal is completed. Attorney Kay Reimann will be a consultant on this project for low/moderate income housing issues and compliance with redevelopment law.

AL SAROYAN (Developer): He is very excited about this project and expects it to be a real focal point of Sand City. He wants to move forward as soon as possible and would like to enter into a DDA within the next three months. Each building will be approximately 40,000 sq ft and four stories high. Revised preliminary plans are due in the next 2-3 weeks. He looks forward to working with the Arts Committee for public art.

Agency member Kline asked if it would be possible that residents could have first choice on purchases or rentals if they qualify? Mr. Saroyan replied that most units will be rentals and when the last phase is built, then there may be more for-sale units. Mr. Morgan said that this type of issue will be in the DDA and hopes for up to 30% low/moderate rental units will be available. Chairman Pendergrass said he would like the DDA to reflect these issues and have the low/moderate availability long term, not just for initial leases.

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

[Agency member Blackwelder returned to the dais.]

- B. There was no progress report on the McDonald coastal site and King Ventures Disposition and Development Agreement (DDA).
- C. 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. City Engineer Kulakow reported that the new crosswalks should be finished by next week; he expects the street lights on Park Avenue to be ready by next week; he will be discussing the proposed landscaping with the Arts Committee; and the lights contract for City Hall may not be able to be completed over Labor Day due to a delay in delivery of the fixtures.

AGENDA ITEM 9, NEW BUSINESS:

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

AGENDA ITEM 10, CLOSED SESSION:

- A. 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 (1 case) - *Coos Bay v. U.S. Fish & Wildlife*
- B. Redevelopment Agency adjourned in Closed Session to confer with real property negotiator in accordance with §54956.8 of the Ralph M. Brown Act Property: APN 011-501-04 and 14 Parties: Sand City Redevelopment Agency Executive Director and Legal Counsel with Monterey County Tax Collector
- C. 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) Coos Bay - no action.
 - (b) Property issue - no action.

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 5, 2003, 7:00 p.m. There was unanimous consensus of the Council to adjourn at 8:50 p.m.



Debra Taylor, City Clerk