

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting - October 21, 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 this evening.
- B. The floor was opened at 7:01 p.m. for oral communications, but there were no comments from the public. Associate Planner Pooler announced that the applicant (Randazzo's) for agenda item 7-C withdrew their request.

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 October 7, 2003 Minutes.

- B. There was no discussion of the Monthly Police Department Activity Report, September.
- C. There was no discussion of the Monthly Fort Ord Reuse Authority (FORA) Report, October.
- D. There was no discussion of the 2003 Annual League of California Cities resolutions final report.

Motion to approve Consent Calendar 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:

No items.

AGENDA ITEM 7, PUBLIC HEARING(S):

[Due to residing within 500' of the project site, Councilmembers Blackwelder, Hubler and Kruper have a conflict of interest and had to draw straws to retain a quorum. As a result of that drawing, Councilmembers Kruper and Blackwelder abstained and left the dais.]

- A. Associate Planner Pooler presented the Conditional Use Permit application by Rob Carswell d.b.a. Carswell Heating to utilize a 2,000 square foot commercial building located at 431 Ortiz Avenue (portion of APN 011-177-019, 020 & 021) for a contractor operation with office, storage, and light manufacturing of roof flashings, heating ducts and plenums. The subject property is located within a non-coastal Planned Mixed-Use zoning district and qualifies as a categorical exemption under State CEQA Guidelines, Section 15301, the project is within a non-coastal Planned Mixed-Use zoning district; and City **RESOLUTION Approving Conditional Use Permit 439 Authorizing a Contractor HVAC Installation Business and Light Manufacturing with Accessory Office and Storage at 431 Ortiz Avenue** (Carswell Heating). There was a typographical error corrected in the title of the resolution. The applicant will be the only employee, there will be nominal manufacturing on site, and no welding or heavy metal work is expected. On site parking is adequate, no allocation of water is necessary, and no specific negative impacts are anticipated.

7:05 P.M. Floor Opened for Public Comment

ROB CARSWELL (Applicant): Presented another letter of reference from a current business neighbor. He needs this space for his specialized storage. He does not believe his business will generate much noise and he usually works with his doors closed. There is an 8" wall between his shop and the residential unit; his truck will be stored indoors. In response to a question by Councilmember Kline, Mr. Carswell said that his current location also has some residential units. This Sand City location is too much of a financial investment to have neighbors that will not be happy, and he has a good history with his neighbors in a mixed-use environment. He wants to be a part of the "Sand City club" and hopes that the City Council will approve his application. He agrees to the conditions of the permit.

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

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

[Councilmembers Kruper and Blackwelder returned to the dais.]

[Due to residing within 500' of the project site, Councilmembers Blackwelder, Hubler and Kruper have a conflict of interest and had to draw straws to retain a quorum. As a result of that drawing, Councilmembers Hubler and Blackwelder abstained and left the dais.]

- B. Associate Planner Pooler presented Conditional Use Permit application by Stella Rodriguez d.b.a. The Crystal Rose Collection, to occupy a 1,250 square foot commercial unit within an existing mixed-use building located at 542 Ortiz Avenue (portion of APN 011-232-018) for a wholesale/retail showroom with accessory office and storage. The subject property is located within a non-coastal Planned Mixed-Use zoning district and qualifies as a categorical exemption under State CEQA Guidelines, Section 15301, the project is within a non-coastal Planned Mixed-Use zoning district; and City **RESOLUTION Approving Conditional Use Permit 438 Authorizing an Architectural Product Wholesale/Limited Retail Outlet with Accessory Office and Storage at 542 Ortiz Avenue, Unit #2** (The Crystal Rose). This will be a satellite store of their main warehouse in Salinas that sells marble and stone household products and decorations. There will be no employees at this location other than the applicant and her husband; and the unit is capable of accommodating two parking spaces at the front but will be shared with the other mixed uses and residential units on the same property.

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

JORGE RODRIGUEZ (Co-Owner): Most of their sales will occur at the Salinas store, and they are a low-key operation. They agree to the conditions of the permit.

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

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

[Councilmembers Hubler and Blackwelder returned to the dais.]

- C. Associate Planner Pooler announced that the amendment to development permits, submitted by Gus and Millie Randazzo for their mixed-use project located at 443 Orange Avenue (APN 011-238-020) to change the required textured pavement for the parking area to a smooth concrete pavement surface was withdrawn. A letter was faxed today making the request to withdraw their application.

7:24 P.M. Floor Opened for Public Comment

No comments.

7:24 P.M. Floor Closed to Public Comment

AGENDA ITEM 8, OLD BUSINESS:

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

- A. Executive Director Morgan presented the Redevelopment Agency Appraisal Report by Hanna & Associates of the Robinette development site (APN 011-233-001, 002 & 013; 011-232-023 & 028; 011-236-006, 007, 008, 009, 010 & 024). The estimated market value of the fee simple interest in the subject property conveyed in "as-is" condition as of August 30, 2003 is \$1,885,000. Included in the appraisal was the key assumption that the Agency/City has reserved one acre foot of water to the development site; and the Water District will allow the on-site well water for landscaping. Certain requirements that will be made by the Agency to the developer (such as affordable housing units, public plaza, artwork) will ultimately effect the value. There will also be easements required to accommodate the proposed parking structure in the future.

Motion to accept the appraisal report and further direct staff to use the appraisal in negotiations with the developer was made by Agency member Hubler, seconded by Agency member Kline. AYES: Agency members Kline, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Agency member Blackwelder. Motion carried.

[Agency member Blackwelder also abstained from the next agenda item due to residing within 500' of the project site.]

- B. Executive Director Morgan presented the Redevelopment Agency **RESOLUTION Authorizing the Agency to Enter into an Extension of the Exclusive Negotiating Agreement with Design Center LLC for Redevelopment of the Area Known as the Robinette Site** located between Ortiz Avenue and railroad right-of-way at end of Hickory Street. As soon as this ENA extension is approved the developer wants to start on a soils report. The Agency may want to start on a traffic study. Agency Attorney Heisinger said that this extension will expire on December 16th, and the resolution also reserves 1 acre foot of water for the project. In response to a question by Agency member Kline, Mr. Heisinger said that the construction schedule and term of the water reservation will be part of the Disposition and Development Agreement (DDA).

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.]

- C. Community Development Director Matarazzo gave an oral progress report on policies and procedures for street improvements in new development areas. Partially based on Subdivision Map Act law and personal experience, some improvements to properties are required as part of all new development. Sand City has used Owner Participation Agreements (OPAs) in the past instead of subdivision improvement agreements. Oceanview Avenue was improved to City standards by the developer, but the Park Avenue work by the developer was delayed due to proposed future reconstruction by the City. Engineering estimates were based on 2000 prices, but the developer made certain improvements (driveway, street work) which were done prior to selling the property and prior to the City's final street improvements. Staff has met with the East Dunes developer and she will be submitting a response to the City Attorney's request for payment. Due to the lapse of time, lack of a written agreement, and funds already spent by the developer

that she wants as a credit, there may not be any reimbursement to the City for the new street and lighting improvements.

- D. Progress report on Public Works projects, City water project, South of Tioga project, other redevelopment projects, and other Sand City community programs by City Engineer/Community Development Director/City Administrator. City Engineer Kulakow reported that the City Hall landscaping bids will be received by October 30th and awarded at a November meeting. The City of Seaside has been preparing to make repairs on the storm water outfall area on Bay Street and will be using a specialized engineer from Los Angeles. They are trying to assemble financing and grants to help offset costs. Work is not expected to start until after this winter. Seaside has also been working on their bike trail which will absorb the TAMC grant funds for a Class I trail on the east side of the railroad right-of-way. The lighting issues along Contra Costa should be brought up to Seaside and their Police Department. In response to a question, Mr. Kulakow said there will be a meeting with the contractor for the City Hall lighting project and he hopes work will be done over the Veteran's Day week end (Tuesday, November 11th).

Community Development Director Matarazzo reported that the new General Plan was adopted in March 2002, and he hopes to get a final disposition from the Coastal Commission by December or January for those lands within the coastal zone. Due to some negative comments from US Fish & Wildlife regarding the HCP, LSA Associates will be giving a second opinion on our HCP. Staff met with LSA Chief Biologist Roger Harris who will quantify a suitability index for the City. City Administrator Morgan said that a serious policy issue may be presented to the City Council because portions of the Sand City coastal area may have to be closed for approximately six months every year (for snowy plover breeding) to get the HCP approved. Hopefully the public could be redirected to the coastal bicycle trail.

AGENDA ITEM 9, NEW BUSINESS:

- A. There were no scheduled upcoming meetings/events.

AGENDA ITEM 10, CLOSED SESSION:

- A. The City Council adjourned to Closed Session to confer with legal counsel regarding existing litigation pursuant to §54956.9(a) of the Ralph M. Brown Act (1 case) - *CalAm Water v. Seaside, Sand City et al*

- 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: City Council gave direction to the City Attorney regarding this issue.

AGENDA ITEM 11, ADJOURNMENT:

- A. Motion to adjourn was made by Councilmember Kruper, seconded by Councilmember Blackwelder, to the next regularly scheduled City Council meeting on November 4, 2003, 7:00 p.m. There was unanimous consensus of the Council to adjourn at 8:24 p.m.



Debra Taylor, City Clerk