

**MINUTES**  
**JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY**  
**City Council Chambers**  
**Regular Meeting - March 5, 2002**  
**7:00 PM**

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Mayor Pendergrass opened the meeting at 7:02 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 to City Council this evening included two Herald news articles on the City of Seaside 1) potential legal action against the Water District and 2) a court judgement against the city by an employee (item 4-A); Water Management District staff report/presentation regarding water credit transfers and on-site water credits (item 9-B); March 5<sup>th</sup> Coastal Commission letter on the status of LCP and periodic reviews (item 9-B); and updated Sand City response to the civil grand jury (item 10-B).
  
- B.     The floor was opened at 7:04 p.m. for oral communications from the public. JEANINE ROBINETTE (Tobacco Free Education): Presented the City Council with their 2001 annual report on tobacco education on the central coast. There has been a reduction in tobacco sales to youths, no-smoking in the workplace compliance, and an annual drop in sales to name a few improvements. There were no comments or questions by the City Council.

## 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 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 #194, Curtis Morrow (Mobile Home), 445 Orange Avenue
  - (2) CUP #195, Alfa Etc. Inc/Thomas Gunter (Auto Repair), 543 Elder Avenue
  - (3) CUP #295, David Wilson (Open Storage), Park & Fell Streets
  - (4) CUP #342, Chris Dinner (Sheetmetal Shop & Electrical Contracting) 720 Dias Avenue
  - (5) CUP #389, Loren Speck/Loren Speck Framing & Gilding Studio (Framing), 591 Ortiz Avenue
  - (6) CUP #390, Brad Klemek/GFI Pest Control (Office/Storage), 605 Redwood Avenue
  - (7) CDP #97-02, Sal Lucido & David Hernandez/D&S Painting (Contractor Warehouse and 2 Apartment Units), 460 Orange Avenue
- B. There was no discussion of the February 19, 2002 Minutes.
- C. There was no discussion of the monthly City/Redevelopment Agency Financial Reports, January.
- D. There was no discussion of the Arts Committee Minutes, February 4, 2002.
- E. There was no discussion of the City **RESOLUTION Honoring Corporal Vito Graziano as Sand City Police Officer of the Year 2001.**
- F. There was no discussion of the City **RESOLUTION Approving Withdrawal from the Joint Exercise of Powers Agreement Establishing the Criminal Justice Planning Board, Region M.** The city entered into a JPA in 1977 to implement programs and funding opportunities then available

under the Federal Omnibus Crime Control and Safe Streets Act of 1968. The JPA is no longer necessary due to the method that these prevention programs are now funded by the state.

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, PRESENTATION:**

- A. Mayor Pendergrass presented the City resolution to 2001 Police Officer of the Year Vito Graziano. Police Chief Klein summarized Corporal Graziano's valor and employment history with the City. Corporal Graziano thanked the Mayor, City Council, and staff; and introduced his family.

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

*[Due to residing within 500' of the project area, Councilmembers Blackwelder, Hubler and Kruper may have a conflict of interest. A straw-drawing was held, and as a result of that drawing Councilmembers Blackwelder and Huber were excused from participating in this agenda item. They left the dais and joined the audience.]*

- A. Associate Planner Pooler presented the Conditional Use Permit application by Joe Rosa to utilize a portion of an existing building at 495 Elder Avenue (APN 011-237-022) to facilitate a radio station studio with offices, and a real estate office. The project qualifies as a categorical exemption under state CEQA Guidelines, Section 15301, and the project is located within non-coastal Heavy Commercial (C2) zoning district. Equipment on-site will include electronic mixers, boards, and one satellite dish on the roof. The proposed radio station studio and real estate office uses are both consistent with the newly approved General Plan. A portion of the station's programming is received through the dish from sites throughout the nation. All programs are then transmitted via telephone line to either four broadcasting antennas in Salinas or one antenna in Monterey. No water allocation is required, and staff does not anticipate this type of use to generate noise, vibration, or pose a general nuisance to the surrounding area.

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

JOE ROSA (Applicant): In response to a question, their radio station will play oldies (50s, 60s, 70s) music. Councilmember Hubler asked if he will be

adding any soundproofing for outside noise (he pointed out that there are some fabrication shops in this area)? Carl Wilaford (Engineer) said they surveyed the area and they do not see any particular problem that they couldn't handle and they will not be creating noise to bother neighbors.

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

Motion to approve Conditional Use Permit application was made by Councilmember Kline, seconded by Councilmember Kruper. Roll call vote: AYES: Councilmembers Kline, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Councilmembers Blackwelder, Hubler. Motion carried.

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

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

*[Due to a possible conflict of interest by residing within 500' of the project area, Agency member Blackwelder was excused from participating in this agenda item as determined at a prior Council/Agency meeting.]*

- A. Report by Redevelopment Agency Attorney on the proposed process to dispose of 443 Orange Avenue property. Mr. Heisinger gave background information of the property acquisition. He and Mr. Morgan did a walk-through and the house is very rundown. As owner, the Redevelopment Agency has full authority to sell the property. The Agency could impose conditions that would ensure the buyer will use the property for redevelopment purposes. The Redevelopment Agency does not have a separate land use plan and would defer to the new General Plan for consistency. Any City requirements upon sale can be accomplished by a deed restriction to the new owners. There are two procedural requirements, depending on how it will be developed or used: 1) four or fewer residential units, made available to low/moderate income tenants and "excess profiteering" is not allowed and could be part of the deed restriction. 2) a report must be generated by the Planning Department (as required by community redevelopment law) setting forth facts to calculate what funds are involved (to date the Agency has spent approximately \$112,000-\$114,000). An appraisal will also be necessary. Once the report is approved by the City Council the Redevelopment Agency is free to sell the property; and the Agency must decide if they want to control how the property is used in the future. Then staff will return with a list of options on how to dispose of the property. The Redevelopment Agency gave consensus to direct staff to prepare the required report and return the item at a future meeting, with some potential development options.

*[Agency member Blackwelder returned to the dais.]*

- B. Progress report on Public Works projects, City water project, Project Study Report, pending coastal development projects and other Sand City community programs by City Engineer/Community Development Director/City Administrator. The Water District staff report and March 5<sup>th</sup> Coastal Commission letter were distributed this evening. City Engineer Kulakow reported that CalTrans is in the process of replacing deteriorated fencing along Highway One, and the next phase will be the east side of the freeway. He will be interested to see how they handle the shifting dunes. The 12" California Avenue water pipeline will be installed on March 18<sup>th</sup> at the Shurgard site and will tie into the Ortiz/Holly capital improvements completed a few years ago. Community Development Director Matarazzo reported on the letter he received from HCD that supports the City's housing element and which went on to offer assistance to find funds for the desal project. The City will also seek their political support in the future for the desal Coastal Development Permit from the Coastal Commission.

**AGENDA ITEM 10, NEW BUSINESS:**

- A. Agency Planner Matarazzo presented the staff report (not a resolution as previously listed) seeking minute action direction to apply for an Economic Development Administration (EDA) Planning Grant related to pre-development activities. This item was advertised as a public hearing. This grant is for environmental site assessments (hazardous waste determinations) and a market study for the Robinette site. The total grant request would be up to \$121,000 of which 70% is reimbursable from the federal EDA and the remaining 30% would be paid for by the Redevelopment Agency or property owners. Keyser Marsten estimates the market study to cost approximately \$25,000. City Administrator Morgan said that it is a good idea to do pre-project grants with the EDA prior to implementation of a large project. They are then well aware of a project that seeks their further endorsement.

7:50 P.M. Floor Open to Public Comment (public hearing)

No comments.

7:50 P.M. Floor Closed to Public Comment

Redevelopment Agency gave consensus to proceed with the application.

- B. City Administrator Morgan presented the City response to the 2001 Grand Jury report regarding beaches and urban runoff. There was an updated response distributed this evening that included the shopping centers percolation systems and servicing, and the street sweeping contract with the City of Monterey and HOPE Rehabilitation contract for general clean up. City Engineer Kulakow said that the response mentioned the City's participation

in the storm water task force. City Council gave consensus to send the response to the grand jury.

**AGENDA ITEM 11, CLOSED SESSION:**

A. Adjourned to Closed Session to confer with real property negotiator, in accordance with §54956.8 of the Ralph M. Brown Act:

(1) To discuss possible purchase of property for redevelopment purposes, portion of APN 011-191-001 (Harper property)

*[Due to a possible conflict of interest by residing within 500' of the project area, Agency member Blackwelder was excused from participating in this agenda item as determined at a prior Council/Agency meeting.]*

(2) To discuss possible purchase terms of property for redevelopment purposes, APN 011-243-002 & 006 (Campos property)

*[The City Attorney determined that there are no conflict of interests on the following item as previously reported, because this is not a land use issue and no party has a financial interest.]*

B. To confer with legal counsel regarding pending and existing litigation for flood damages in accordance with the Ralph M. Brown Act:

(1) Section 54956.9(a), lawsuits entitled Colton Heating & Sheet Metal, Inc. v. City of Sand City, City of Seaside, and Does 1-10. (Case No. M56419 Superior Court, Monterey)

(2) Burkleo Roofing, Inc. v. City of Seaside, City of Sand City, and Does 1-20 (Case No. M55861 Superior Court, Monterey); and in accordance with §54956.95 of the Ralph M. Brown Act regarding insurance liability

C. The City Council/Redevelopment Agency readjoined 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, as follows:

A-1: No action taken on Harper property.

A-2: Gave further direction to the real property negotiator and legal counsel for the Campos property (Blackwelder abstained).

B-1: Council gave direction on settlement for legal fees incurred by the City on the Colton Heating lawsuit.

B-2: Council gave direction on settlement for legal fees incurred by the City on the Burkleo Roofing lawsuit.

**AGENDA ITEM 12, ADJOURNMENT:**

- A. Motion to adjourn was made by Councilmember Hubler, seconded by Councilmember Blackwelder, to the next regularly scheduled City Council meeting on March 19, 2002, 7:00 p.m. There was unanimous Council consensus of the remaining Council/Agency members to adjourn at 8:35 p.m.



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Debra Taylor, City Clerk