

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting -June 4, 2002
7:00 PM

Mayor Pendergrass opened the meeting at 7:01 p.m.

Reverend Steve Snyder 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 a map of the Robinette site (item 9-B).
- B. The floor was opened at 7:04 p.m. for oral communications from the public. CLAUDIA VIGOR (Oceanview resident): She wished to lodge a complaint regarding problems with the homeless in the East Dunes area, specifically linked to Mr. Franke's home on Park Avenue. Mr. Franke's home seems to be a haven for the homeless where they use foul language, go through residential mailboxes, and expose neighborhood children to violence. She understands that the Salvation Army offers their facilities to the homeless for food and showers, but they feel once clients leave their site they have no further responsibility. There is a continual trail from the Salvation Army to the Franke house. She is willing to work with the City to stop this problem in the East Dunes.

DIEDRE BASQUE (Park Avenue resident): Her family lives across the street from the Franke house and they can no longer tolerate the constant flow of people, foul language and brawling in the street - it scares her daughter. She would like a more direct, non-emergency number to call the Sand City Police because of the excessive time involved in calling the dispatch center. This activity is a concern throughout the entire neighborhood.

STEVE WILSON (Oceanview resident): There appears to be a lot of drug activity in a nearby area. He sees people walking through the East Dunes a lot. He understands the Police Department does not have enough manpower for surveillance, but this problem is not new and he would like to take a look at the permit for the East Avenue business for a possible course of action. As an aside, last year the traffic, pedestrians/children, and use of fireworks on Park Avenue for July 4th was huge - he expects even more this year. Can the City put up barricades or restrict access to the East Dunes area?

Chief Klein said he is willing to work with the neighbors and he encouraged calling the police if a violation is witnessed. The reporting party can remain anonymous, but if the officer does not witness an offense they will need a witness to sign a citation and possibly appear in court. If anyone is concerned, it is also a felony to intimidate a claimant/witness. Community Development Director Matarazzo said there could be violations of the building code. A letter was sent to Mr. Franke in January to correct certain issues. There was some discussion by the City Council and they directed the City Attorney and staff to try and resolve this issue. Staff will report any actions taken to 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 #377, Hartzel Automotive (Auto Training Center/Offices), 560 California Avenue
 - (2) CUP #399, Edgewater Center (Regional Commercial Center), Playa & California Avenues
 - (3) CDP #97-05, Monterey Bay Restaurant Equipment (Wholesale), 325 Elder Avenue

- B. There was no discussion of the May 21, 2002 Minutes.
- C. There was no discussion of the March 13, 2002 Arts Committee Minutes.

Motion to approve Consent Calendar was made by Councilmember Kruper, seconded by Councilmember Hubler. AYES: All members. 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 Greg Hawthorne on the Arts Committee proposed October event. There is much excitement about the changes in Old Town and the Arts Committee would like to sponsor an event on Ortiz Avenue on October 19th, 3:00 p.m. to 8:00 p.m. The proposed main site would be near the Kit Parker building (Ortiz/Catalina), the street would need to be closed to Contra Costa, there will be a map of art studios and also music, food, drink, vendors, jugglers, etc. The Arts Committee would like to make this an annual event to encourage people to visit and discover artists, and inspire doing business/living in Sand City. The Arts Committee has budgeted \$5,000 and will need more funds from the City Council to make this a successful event. Today the Committee is seeking Council's approval of the concept and will return next month with a proposed event budget. The plan is to keep the event simple at first, and let it grow and evolve if it is successful. There was some discussion of replacing the name of "Old Town" with "the West End" but there has been no final agreement among the Committee. Councilmember Hubler mentioned that the Arts Committee wanted this event since the committee's inception, and until now they were not ready. City Administrator Morgan said it will require formal action by the City Council to close Ortiz Avenue and approve a budget.
- B. Presentation on the EPA Storm Water Phase II Program was made by Maris Sidenstecker. Urban runoff is the largest polluter with oil, litter, anti-freeze, leaves, etc. polluting the Bay. There is very old infrastructure and without a joint effort of time, money and resources it would be impossible to educate the public and make upgrades. She discussed Public Service Announcements (PSAs) and educational/outreach materials that have been completed over the last six years. Phase II must be completed by March 10, 2003. City Engineer Kulakow reported that Sand City's shared expenses would be \$600-\$1,000, but the budget has not been finalized. Three minor changes were made to the attached Memorandum of Agreement (MOA). This entire project would be too expensive for Sand City alone, and the MOA provides benefits

and helps to meet state requirements. City Attorney Heisinger discussed the weighted voting system. Voting rules will be in the bylaws, not in the MOA and a majority vote can make changes to bylaws in the future. Del Rey Oaks is in the same position as Sand City with only one vote, based on population.

Motion to approve City **RESOLUTION Approving Memorandum of Agreement for the Monterey Regional Storm Water Pollution Prevention Program as a Permittee, and Party to this Agreement** as amended, by title only, was made by Councilmember Kline, seconded by Councilmember Blackwelder. AYES: All members. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 8, PUBLIC HEARING(S):

[Due to a possible conflict of interest by residing within 500' of the project area, a straw draw was held January 15th to determine participation. As a result of that drawing Councilmembers Kruper and Hubler abstained. They left the dais and joined the audience for the next three agenda items.]

- A. Associate Planner Pooler presented the City **RESOLUTION Approving the Negative Declaration Prepared for the Development of Three Single-Family Residential Dwellings and the Rezoning of the Project Site from Heavy Commercial (C-2) to Light Density Residential/Planned Unit Development (R-1/PUD) Located at APN 011-189-001,002,003,004** (Pedro Blas & Nashwan Hamza). The staff report for items 8-A and 8-B were presented together. Messrs Blas and Hamza propose to develop three new single family residential dwellings at the southeast intersection of Contra Costa and Dias Avenue. The project requires architectural and site plan approval by the Design Review Committee (DRC). Each of the proposed homes are less than 2400 square feet in floor area, including the garage; each on a separate parcel with varying setbacks. An environmental initial study was prepared and circulated for public review and comment. To date, no comments have been received. The initial study states that the proposed project and rezoning of the property does not pose any significant effect upon the environment. The property is currently zoned as Heavy Commercial (C-2) and staff is recommending the area be rezoned to Single Family/Residential Planned Unit Development (R-1/PUD). This is consistent and compatible with the new General Plan and future plans for residential development within the East Dunes area.

8:07 P.M. Floor Open to Public Comment

NASHWAN HAMZA (Co-developer/representative): He is here to answer any questions, and looks forward to the DRC meeting tomorrow.

8:08 P.M. Floor Closed to Public Comment

Councilmember Kline confirmed the concerns by the fire department will be addressed. City Engineer Kulakow said that the fire department provided plans for a "hammerhead" design instead of a cul-de-sac turnaround area.

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

- B. FIRST READING: Ordinance Amending Title 18 of the Municipal Code to Reclassify Certain Property from Heavy Commercial (C-2) to Single-Family Residential Planned Unit Development (R-1/PUD) (Pedro Blas & Nashwan Hamza, APN 011-189-001,002,003,004) was presented in tandem with the prior agenda item by Associate Planner Pooler. Community Development Director Matarazzo said that this property is at a coastal zone boundary and will not require an LCP amendment. The City Council may want to select a different name for the street so it won't be confusing with the other Dias Avenue.

8:14 P.M. Floor Open to Public Comment

No comments.

8:14 P.M. Floor Closed to Public Comment

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

AGENDA ITEM 9, OLD BUSINESS:

- A. Associate Planner Pooler presented the Redevelopment Agency **RESOLUTION Authorizing an Additional Allocation of Water Credit in the Amount of 0.115 Acre-Feet, and Granting a Time Extension of Two (2) Months to September 22, 2002 for Pedro Blas Residential Development Project** (APN 011-189-001,002,003,004). This project has been awarded 0.404 acre feet of water, but to accommodate laundry facilities for these homes, the developers will need an additional 0.115 acre feet of water for a total of 0.519 acre feet. Due to time constraints an extension of two months is being recommended to maintain the water reservation until September 22nd. The DRC meets tomorrow to discuss the project design and site plan. In response to a question, there will be .97 acre feet of water remaining and does not include the pending Slautterback water reservation. Executive Director Morgan stated that 1 acre foot of water set aside was for residential remodels in Sand City; however, this

reservation will not be needed now because the Water District will allow one bathroom addition without requiring more water. There was discussion of the Water District's rule allowing an extra bathroom without another allocation of water, which does not apply to new construction, only remodels.

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

[Council/Agency members Kruper and Hubler returned to the dais.]

[Due to residing within 500' of the project area, Agency member Blackwelder abstained. He left the dais and joined the audience.]

- B. Executive Director Morgan presented the staff report on the Redevelopment Agency proposed interim lease agreement for temporary truck parking by Jim Cota Transfer & Storage on a portion of the Robinette property (adjacent to railroad right-of-way). A map was distributed this evening. There are quite a few blank areas in the proposed agreement, but these items are being worked out now that Mr. Cota has returned from abroad. There will be approximately 50'-70' on the Robinette site and 50'-70' in the railroad right-of-way available for leasing. Staff will be presenting a resolution and lease at the public hearing on June 18th. Mr. O'Dea (Cota representative) was present this evening and said the amount of property being offered by the City/Agency exceeds what they will need. However, they would like about 2/3 of the space in the storage shed. It was determined that this proposed area will not include or interfere with the well on the Robinette site.

[Agency member Blackwelder returned to the dais.]

- C. 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. City Engineer Kulakow reported that CalTrans did not approve the 2001-02 grant application by the City for the bicycle trail lighting. A subsequent grant application for 2002-03 will be completed. Another grant submission is due by the end of June that the City is considering. Community Development Director Matarazzo reported that the City is still awaiting the final approval of the PSR from CalTrans. He met with TAMC last week and Eileen Goodwyn may assist the City if necessary. The City is awaiting acceptance on the General Plan (coastal zone portion) from the Coastal Commission; there will be a scoping meeting and public hearing on July 24th on the desal EIR; there is a meeting with DBO next week on the progress of the South of Tioga project; Seaside may cooperate on widening Tioga Avenue. Mayor Pendergrass reported that Ed Ghandour lost his

Monterey Bay Shores project lawsuit against the Water District in Superior Court and will probably appeal. City Administrator Morgan reported there was an information meeting last week seeking a developer for the Robinette site and only two candidates arrived. One was clearly experienced, but stated the Agency has to provide more water for a successful project. DBO is still interested in submitting a proposal.

AGENDA ITEM 10, NEW BUSINESS:

- A. Community Development Director Matarazzo presented a staff report on the 2000 census update. The census counted 261 residents at that time and the estimate has since been updated by the state Department of Finance to 267, based on additional residency in the East Dunes since the census. Census data is: median age of 37.7 years; 71.3% white; 27.6% Latino; rental vacancy rate of 7.3%; 36.3% of housing is owner-occupied; 60.2% male population; median household income of \$34,375; 24% of individuals of families below the poverty level; 1999 median home price of \$275,000.
- B. Oral Report on endangered species conference by City Attorney and City Administrator. They had just returned from the conference in San Diego today. Florida and six western states have the most endangered species. There was quite a bit of debate on critical habitat and its effect on the designated areas. Different regulatory processes and agencies make huge impacts to the decision-making process. Endangered species are causing a lot of problems and restrictions to water agencies. Southern California has the potential of losing 30% of its water supply in the future towards environmental reserves and conservation. Water supplies have been over-allocated, and have not taken into account environmental needs. Desal seems to be the water source for the future. Mr. Morgan shared a national news article in USA Today on the housing debates between Seaside and Marina that are holding up the Fort Ord allocations.

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 June 18, 2002, 7:00 p.m. There was unanimous consensus of the Council to adjourn at 8:54 p.m.



Debra Taylor, City Clerk