

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting -October 15, 2002
7:00 PM

Mayor Pendergrass opened the meeting at 7:02 p.m.

Reverend David Martin 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 the draft resolution for the City of Seaside bicycle trail feasibility study (10-A). Mayor Pendergrass requested the monthly FORA report for October (item 5-F) be removed from the Consent Calendar for consideration because the FORA October meeting was cancelled.

- B. The floor was opened at 7:05 p.m. for oral communications, but there were no comments from the public. Mayor Pendergrass complimented the Arts Committee new exhibit in the Chambers by artist Mary Titus. Mayor gave a reminder to the audience that the first Arts Committee "West End" event will be held on Ortiz Avenue on Saturday, October 19th. Mayor Pendergrass also announced that the Sand City Christmas tree lighting ceremony will be held on December 13th - invitations will be mailed.

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 #252, Hilo & Joan Campos/Campos Delivery (Open Storage), Elder & Shasta - west of Catalina
 - (2) CUP #280, Steve Baptista (Mixed Use: first story - commercial, second story - residential), 549 Elder Avenue
 - (3) CUP #359, George Wilson (Mixed Use: first story - commercial, second story - residential), Shasta Avenue
 - (4) CUP #361, Tom & Bobbie Deyerle/Central Coast Landscaping (Landscaping), 648 Dias Avenue
 - (5) CUP #413, Fred Saunders (Metal/Art Shop), 460 Elder Avenue
 - (6) CUP #414, Gary Wiegard/Utility Services (Civil/Mechanical Engineer), 613-A Ortiz Avenue
 - (7) CDP #95-09, Slakey Brothers (Wholesale Distributor), 321 Orange Avenue
- B. There was no discussion of the September 17, 2002 Minutes.
- C. There was no discussion of the City **RESOLUTION Authorizing Acceptance of an Allocation from the Supplemental Law Enforcement Services Fund (SLESF) and Appropriation of Those Funds for Fiscal Year 2002-2003.**
- D. There was no discussion of the monthly City/Redevelopment Agency Financial Report, August.
- E. There was no discussion of the monthly Police Department Activity Report, September.
- F. The October Fort Ord Reuse Authority (FORA) meeting was cancelled. Approval of the Mayor's report was not considered due to the cancellation.
- G. There was no discussion of approving the reappointment of Michael Morris to the Northern Salinas Valley Mosquito Abatement District. This is a four year term and will expire January 2, 2007.
- H. There was no discussion of the City **RESOLUTION Amending the Personnel Manual for the City of Sand City.** The update included the

following items already approved by the City Council - adding Columbus Day as a holiday, improving overtime pay for regular employees required to work on a City holiday, updating incentive allowances (education and training for Police Officers, court time pay, and physical fitness payments). These items are all located in Chapter 5 of the Personnel Manual which will be updated and circulated to all employees.

Motion to approve Consent Calendar items A,B,C,D,E,G,H was made by Councilmember Kruper, seconded by Councilmember Kline. AYES: All members NOES: None. ABSENT: None. ABSTAINED: None. Motion carried.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR:

None.

AGENDA ITEM 7, PRESENTATION(S):

- A. Moment of Silence - tribute to Mrs. Muriel Calabrese who passed away September 20th. She was the widow of Sand City's first Mayor, Phil Calabrese.

- B. Update by Lee Yarborough and Jeff Morgan, Transportation Agency for Monterey County (TAMC) staff, on the Highway 101/Prunedale bypass proposed project. CalTrans has stopped all consideration until TAMC comes up with a funding plan. The TAMC Board will meet December 4th to select one of the Highway 101 alternatives and decide how that alternative will be funded. They hope development impact fees will be available next year, and the possible inclusion of a ½¢ sales tax to help with financing for transportation projects. TAMC has other funding sources, but they are not adequate to complete the work for Alternative 4-E. TAMC supports the 4-East plan, modified estimate at \$510 million. 50% of traffic should be using the bypass creating immediate relief on Highway 101. There are still impacts from San Jose traffic, and Mr. Yarborough discussed weekend event traffic that occurs at Laguna Seca and the Monterey Peninsula. A video presentation was made.

City Engineer Kulakow mentioned that the Sand City Project Study Report (PSR) for Highway One has been approved by CalTrans, but is far down the list as a TAMC priority, according to Mr. Yarborough. City Administrator Morgan gave an overview from his perspective as a Sand City representative on the TAMC Board. He is recommending to continue reviewing the information and return to the November 19th City Council meeting to discuss this further, prior to the TAMC Board's decision. 4-E may be the best alternative, but it is very expensive and this raises inter-related questions regarding funding, future projects, possible tax increases, status of other projects and problem areas. Mr. Morgan quoted a September 25th CalTrans

letter stating in part "...the highest volume state highway in the County is Route 1 in Sand City with 93,000 Average Daily Traffic (ADT)." The Mayor emphasized that we need to do the best thing in the interest of the overall transportation facilities in the County. This item will be discussed further at the November 19th meeting (see item 7-C).

- C. By Council consensus, it was determined that discussion of Sand City's position on the Highway 101/Prunedale Bypass alternatives would be continued to the November 19th City Council meeting.

AGENDA ITEM 8, PUBLIC HEARING(S):

- A. Consideration of modification or possibly revoking Conditional Use Permit #392, SK8 Station (Commercial Recreation), 1855-B East Avenue (portion of APN 011-135-014) in response to concerns of public safety and nuisance, and consideration of City **RESOLUTION to Amend Conditional Use Permit #392 for the SK8 Station Skate Facility at 1855 East Avenue** was presented by Associate Planner Pooler. This CUP was issued in 1995, and there have been instances over the years when the Sand City Police Department has responded to disturbances at the SK8 Station due to excessive noise, lack of crowd control, and inadequate security resulting in noise, intrusion to habitat, and litter impacts to the surrounding area. In 1997, the Police Chief and Planning Department staff met with Trisha Gudice to discuss problems resulting from overnight and evening events, and outlined the conditions upon which these activities could occur. For a short time, there appeared to be less problems, however, the impacts of noise and littering outside has resurfaced. Three specific instances have occurred where either the in/out rule was violated, and/or alcohol use by patrons was involved where under-aged persons were present. The Police Department has serious concerns in regard to public safety and the safety of minors at this facility. Staff is recommending an amendment to CUP #392 that will adequately address concerns brought about by violations and Police involvement.

Police Sergeant Crisan discussed a specific April 6th event he investigated that had allegations of alcohol being served at a birthday party at the SK8 Station. Councilmember Kruper confirmed that the existing permit does not address overnight events. Mr. Pooler responded that the original CUP included "occasional" overnight events. It has been determined at one time that six overnights per month would be allowed, under strict supervision. However, it appears that this supervision has not been provided.

8:11 P.M. Floor Open for Public Comment

TRISHA GUDICE (Business Owner): The three specific incidents mentioned were parties put on by her son and she knew nothing about them. This never would have been allowed and she is unsure how he got the keys. She

was never notified by the Police Department until the incident this year. The overnight parties she authorizes do not serve alcohol. She wants to be able to continue overnight parties until she closes her business at the end of November. She will notify the Police of the three event dates she has scheduled, doors will be locked so there will be no in/out privileges. She had discussions with the Chief of Police and Charles Pooler and was surprised that this is now an issue. The property owner, Dick Ross, was unaware of any issues. She was never notified about habitat intrusion by customers. This year she has had the following overnight parties - 3 in June, 2 in July, 5 in August, 2 in September, 0 in October, and has plans for 3 in November. There was considerable discussion of one of the parties her son held and the resulting problems. If Ms. Gudice cannot be present, there must be a better qualified manager on site. She distributed a letter of support to the City Council from one of her clients, Loretta Thompson.

8:30 P.M. Floor Closed to Public Comment

City Attorney Heisinger said the Council can extend the use permit until the end of November, allow the three scheduled parties, and then terminate the use permit. If Ms. Gudice decides to remain, she can apply for a new permit. Police Chief Klein said he does not want to create an undue financial burden on Ms. Gudice, however he would like to ensure the parties are supervised by two adults and that no alcohol is served.

Motion to limit the term of the use permit to the end of November, allow three overnight parties (November 1st, 9th, and 29th), and recommended amendments to the permit conditions (Exhibit A) and the resolution was made by Councilmember Hubler, seconded by Councilmember Blackwelder. AYES: Councilmembers Blackwelder, Hubler, Kruper. NOES: Councilmembers Kline, Pendergrass. ABSENT: None. ABSTAIN: None. Motion carried.

8:50 PM Recess
9:00 PM Reconvene

[Due to residing within 500' of the project area, Councilmembers Blackwelder, Hubler and Kruper had to draw straws to determine who would abstain. As a result of that drawing, Councilmembers Kruper and Blackwelder had to abstain. They left the dais and joined the audience.]

- B. Conditional Use Permit (CUP) application by Jeffrey Dogerty/Designer's Loft to utilize 5,000 sq. ft. of an existing commercial building located at 1725 Contra Costa Street (portion of APN 011-177-024) was presented by Associate Planner Pooler. The project site is within the non-coastal Planned Mixed-Use (MU-P) zoning district, and qualifies as a categorical exemption under State CEQA Guidelines, section 15301. The applicant proposes office and storage of an interior design business. The office activity will include business administration, design work, and client meetings. The storage area

will be used for storing furniture and accessories for clients. There will be no on-site manufacturing. There will be furniture received no more than two to four times a month via semi-truck deliveries. Arrangements are being made with the property owner (Dan Cort) to utilize the loading dock at the rear of the building, and be shared with the adjoining businesses. The property currently provides thirteen parking spaces along Contra Costa (mostly within the public right-of-way) and should be adequate to meet the needs of this applicant and the Carmel Tile and Marble business already approved.

9:05 P.M. Floor Open for Public Comment

DAN CORT (Property Owner): This high quality design business is moving from Pacific Grove to Sand City to have an office and showroom. The property owner and business owner agree to the conditions of approval. Mr. Dogerty is downsizing his business as he travels a lot, and will have 2-3 staff on site. The PG&E guidewire still needs to be removed to give access to the rear alley for deliveries which should occur within three weeks. In response to a question by the City Engineer regarding handicapped access, Mr. Cort said there is standard sidewalk width from a car bumper overhang area to the building wall along Contra Costa.

9:11 P.M. Floor Closed to Public Comment

Motion to approve CUP #420 for Jeffrey Dogerty/Designer's Loft was made by Councilmember Hubler, seconded by Councilmember Kline. AYES: Councilmembers Kline, Hubler, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Councilmembers Kruper, Blackwelder. Motion carried.

[Councilmembers Kruper and Blackwelder returned to the dais.]

- C. Motion to continue consideration of the water policy amendment to the December 3, 2002 meeting was made by Councilmember Kline, seconded by Councilmember Hubler. AYES: All Councilmembers. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 9, OLD BUSINESS:

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

- A. Review by Redevelopment Agency of Preliminary Plan required by Bascou Disposition & Development Agreement (DDA) and consideration of Redevelopment Agency **RESOLUTION Approving a Time Extension to Close Escrow Related and Preliminary Plan Approval by Agency to the 443 Orange Avenue Disposition & Development Agreement (DDA)**. Staff is recommending an extension to the end of February 2003 allowing time for the Bascou's to get a Small Business Administration (SBA) loan. Associate

Planner Pooler reviewed the existing water credits and proposed water use. Staff made recommendations to reduce the water usage from the requested .25 acre feet increase. Agency member Kline confirmed that a water allocation would be made to the project site because the existing house water usage was not adequate for a mixed use project. Agency Attorney Heisinger advised the Board that changes to the DDA will be in section 6.3 ("Closing"), and section 8.1 ("Agency Review and Approval"). The deadline for preliminary review and approval is now recommended for January 7, 2003 and an escrow closing date of February 28, 2003. The Bascou's were present and offered their comments in a letter that was distributed to the Agency Board this evening.

Motion to approve Resolution by title only, as amended, 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 returned to the dais.]

- B. Progress report on Public Works projects, City water project, Project Study Report (PSR) and other Sand City community programs by City Engineer/Community Development Director/City Administrator. Arts Committee Chair Todd Kruper gave a final update on the October 19th West End Event, and thanked staff for their assistance. City Engineer Kulakow reported that he will be seeking approval at the next meeting to place two projects out to bid - lighting at Calabrese Park and undergrounding utilities on Park Avenue. Mr. Kulakow reported that there have been excessive water pressure problems near Ortiz Avenue and he is trying to get answers from the engineers at CalAm. Right now the water pressure is 130-140 psi, which has caused damage. Community Development Director Matarazzo reported the PSR was finally approved by CalTrans, but will require additional environmental analysis before the project moves forward - only the new interchange will be considered at this time. City staff met with the CalAm parent company earlier this month and they are interested in working with the City on its water project but will not sell their water lines or let existing customers withdraw from their service area.

AGENDA ITEM 10, NEW BUSINESS:

- A. City Engineer Kulakow presented the City **RESOLUTION Approving an Agreement with the City of Seaside to Participate in a Feasibility Study for a Class I Bicycle Trail within the Union Pacific Railroad Right-of-Way from the Fremont Boulevard/Route 1 Interchange to Canyon del Rey**. The resolution was distributed this evening. Three to four years ago, the City of Seaside received grant funds to plan for a bicycle trail along Del Monte Blvd. This plan did not proceed for Seaside because it removed parking along Del Monte. TAMC has approved \$30,000 plus

\$10,000 from the Air District to the City of Seaside to finance a feasibility study for the bike trail along the railroad right of way. There was some discussion regarding liability. City Administrator Morgan raised several issues that should be considered: can a bicycle trail within the limited railroad right-of-way exist along with the other competing uses, how much of the railroad right-of-way will TAMC want to retain for future rail purposes, is it possible to locate the proposed bicycle trail entirely on the east side of the railroad right-of-way, what to do about existing leases/encroachments, and how to ensure the City's priorities for at least the west side of the railroad right-of-way? Mr. Morgan said a map should be prepared to display the City's proposed uses and existing leases on the railroad right-of-way.

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

AGENDA ITEM 11, CLOSED SESSION:

- A. The City Council determined it was unnecessary to adjourn to Closed Session to confer with legal counsel in accordance with § 54956.9(c) of the Ralph M. Brown Act regarding possible litigation against SNG/Ghandour (one case).

AGENDA ITEM 12, ADJOURNMENT:

- A. Motion to adjourn was made by Councilmember Kruper, seconded by Councilmember Blackwelder, to the next regularly scheduled City Council meeting on November 19, 2002, 7:00 p.m. There was unanimous consensus of the Council to adjourn at 9:57 p.m. Due to general municipal election and the Council Chambers being used as a polling facility, the November 5th meeting is cancelled.



Debra Taylor, City Clerk