

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting -November 19, 2002
7:00 PM

Mayor Pendergrass opened the meeting at 7:00 p.m.

There was no invocation.

Sergeant Crisan 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
Marius Crisan, Police Sergeant
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 revised Coastal Development Permit for Rick Brown (8-C), revised urgency ordinance (8-C), and a November 19th TAMC memo on the Highway 101/Prunedale Bypass (9-B).
- B. The floor was opened at 7:03 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 Lisa Faulkner, former Sand City resident now living in Washington.

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 #328, Granite Rock Company (Truck Repair Shop), California Avenue (1755 Del Monte Blvd., Seaside)
- B. There was no discussion of the October 15, 2002 Minutes.
- C. There was no discussion of the monthly City/Redevelopment Agency Financial Report, September.
- D. There was no discussion of the monthly Police Department Activity Report, October.
- E. There was no discussion of the monthly Fort Ord Reuse Authority (FORA) Report, November.
- F. There was no discussion of the City **RESOLUTION Authorizing a One Year Contract with eCivis Grants Locator System**. This one-year contract is for an amount not to exceed \$1,750.
- G. There was no discussion of authorizing the bid requests for Public Works project - Sylvan Avenue lots retaining wall construction. Option A to repair only (\$26,600 estimate) and construct the new retaining wall (\$41,700 estimate). Option B is only construct the new retaining wall. In addition, there will be the cost of aggregate base and paving (\$30,000-50,000 estimate) including fencing and drainage. The FY 2002-03 budget allocation is \$40,000, and an adjustment will be necessary. Staff will request bids for Option B with a separate bid item for Option A. Bids to be received December 20th and awarded January 7, 2003.
- H. There was no discussion of authorizing the bid requests for two Public Works projects - Calabrese Park lighting and Park Avenue undergrounding of utilities. Five overhead lights are to be installed along the walkways in the park, with an estimated cost of \$33,500. The project will be partially funded by a grant from the California Dept of Parks & Recreation (\$25,000). The estimated project construction costs for Park Avenue are \$166,000. The City's share of costs will be \$129,300, plus \$20,000 for PG&E and \$39,701 property owner contribution. Bids to be received December 20th and awarded January 7, 2003.
- I. The City and Redevelopment Agency third quarter Treasury Report, for period ended September 20, 2002 was pulled from the Consent Calendar for discussion under agenda item 6.

Motion to approve Consent Calendar items A, B, C, D, E, F, G and H was made by Councilmember Kline, seconded by Councilmember Kruper. AYES:

All members NOES: None. ABSENT: None. ABSTAINED: None. Motion carried.

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

- I. City Administrator Morgan presented the City and Redevelopment Agency third quarter Treasury Report, for period ended September 20, 2002, as prepared by Centration. Mr. Morgan gave a brief description of this quarterly report.

Motion to accept the 2002 third quarter Treasury Report was made by Council/Agency member Blackwelder, seconded by Council/Agency member Kline. AYES: All members. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 7, PRESENTATION(S):

- A. Mayor Pendergrass presented the awards received for Sand City's Bicycle Program. The awards were from MCCEPD, Senator McPherson, Assemblyman McPherson, Assembly member Salinas, Assembly member Keeley, and Congressman Farr in recognition of promoting employment opportunities for people who have disabilities.

AGENDA ITEM 8, PUBLIC HEARING(S):

- A. Associate Planner Pooler presented the Coastal Development Permit application by Rick Brown to use a portion of the Union Pacific Railroad right-of-way, at the southwest corner of Tioga and California Avenues, to establish a part-time mobile barbecue vending business. The project qualifies as a categorical exemption, under State CEQA Guidelines, Section 15304, and is within a non-appealable Coastal Manufacturing (CZ-M) zoning district. An updated permit was distributed this evening. All equipment and supplies shall be setup and removed each day of operation which is proposed for Saturday and Sunday, 10:00 a.m. - 6:00 p.m. and possible Friday evenings. Mr. Brown proposes to designate four perpendicular parking stalls along California Avenue and implement dust control measures. Staff is recommending that the applicant be required to establish some type of barrier around the table and serving area to encourage people not to walk or congregate in the street. Proof of authorization by Union Pacific Railroad and the County Health Department will be required prior to operation. Community Development Director Matarazzo stated that the General Plan does not address street vending, but it is recognized as a festive and positive business for commercial revitalization efforts.

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

The applicant was present, but declined comment.

7:16 P.M. Floor Closed to Public Comment

Motion to approve Coastal Development Permit application, as amended, was made by Councilmember Kline , seconded by Councilmember Hubler. AYES: All Councilmembers. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

[Due to a possible conflict of interest by residing within 500' of the land use project area, Councilmembers Kruper, Hubler and Blackwelder drew straws to determine who would abstain. As a result of that drawing, Councilmembers Kruper and Blackwelder left the dais and joined the audience.]

- B. Associate Planner Pooler presented Coastal Development Permit application by Clive Tollady to utilize a portion of an existing building at 1-C John Street to facilitate a stone sculpting and mosaic mural design shop and studio. The project qualifies as a categorical exemption, under State CEQA Guidelines, Section 15301, and is within a non-appealable Coastal Heavy Commercial (CA-C2) zoning district. Products to be manufactured are unique, individual commissioned stone pieces. Two employees will be on site, operating between 7:00 a.m. to 5:00 p.m. Monday through Saturday. Equipment to be used include pneumatic tools, compressors, stone saws, and power tools for cutting and finishing stone materials. Staff is concerned with impacts to nearby residential units, but it could be argued that the adjacent Highway One freeway also generates excessive noise. In assisting with noise abatement, staff recommends that acoustical insulation be required. Failure to implement/maintain required noise abatement should be grounds for terminating the permit according to proposed use permit conditions. The property provides adequate parking to facilitate the proposed use.

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

CLIVE TOLLADY (Applicant): Councilmember Kline expressed concern about using a compressor and pneumatic equipment while the doors are closed. In response, Mr. Tollady said he uses "silent core blades" and the pneumatic tool is no louder than an electric tool. The water is used and recycled. They make mosaics on commission to be used in all areas. In response to a question by Councilmember Hubler, Mr. Tollady said he was unsure if the compressor is a screwdriven or piston design, but it does use a standup tank, the same as the woodshop two doors down. Councilmember Hubler expressed his concerns with "noisy" business types (including artists) that must get along with the residents to ensure that and the applicant agrees with all of the terms of the permit. There was some discussion of the noise factor and possible residential complaints. Mr. Pooler will amend the permit to allow Saturday hours of operation to be 10:00 a.m. to 5:00 p.m. only and to require small, portable compressor due to noise factors.

7:26 P.M. Floor Closed to Public Comment

Motion to approve Coastal Development Permit application, as amended, was made by Councilmember Hubler, seconded by Councilmember Kline. AYES: Councilmembers Kline, Hubler, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Councilmembers Kruper and Blackwelder. Motion carried.

[Councilmembers Kruper and Blackwelder returned to the dais.]

- C. Community Development Director Matarazzo presented the **Urgency ORDINANCE Amending Urgency Ordinance 94-09 Updating the Boundaries of the "East Dunes" relative to the Land Use Authority Granted to the Sand City Design Review Committee.** A revised urgency ordinance was distributed this evening. The East Dunes areas are the purview of the Design Review Committee (DRC) and include the South of Tioga project area. Staff is recommending exempting the South of Tioga area from the DRC review and leave the decisions for this project area to the City Council and/or Redevelopment Agency. This ordinance will be in accordance with the General Plan.

7:29 P.M. Floor Open for Public Comment

No comments.

7:30 P.M. Floor Closed to Public Comment

Motion to approve Urgency Ordinance was made by Councilmember Kline, seconded by Councilmember Kruper. AYES: All Councilmembers. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

- D. Community Development Director Matarazzo presented the temporary Conditional Use Permit application by Dave Carroll and John Shea, on behalf of Nevada Waste Systems, Inc., to store and maintain their vehicles and equipment for waste collection, located at 840 Tioga Avenue (APN 011-122-008, 009, 010, 011, 018, 019, 020, 023, 030, and 031). The subject property is located in a non-coastal Manufacturing (M) zoning district, and project qualifies as a categorical exemption, under State CEQA Guidelines, Section 15301. Staff is concerned with early morning noise and potential odor problems and recommends a one year temporary permit.

7:34 P.M. Floor Open for Public Comment

DON OROSCO (Property Owner): This use would be on a purely interim basis. The Carroll group will have a permanent facility in the future based in Soledad. The South of Tioga project is progressing slowly due to the assemblage of property and the high costs. There is not enough developer's profit, and DBO has now partnered with the main tenant, which is an unusual

situation. The unique needs of residents and business owners (28 in total) are a big consideration and will require careful negotiation - not a big purchase at one time. The holding costs exacerbate the problem of assemblage. His real estate agent, Pete Erickson, has tried for over a year to get a better part time use on this property, but due to the prior use of the site, this is an appropriate interim use and source of cash flow for DBO. If Nevada Waste Systems does not comply with permit conditions, they will be removed. Mr. Carroll has a garbage transportation contract with Monterey County. The applicants were unable to attend the meeting tonight.

PETE ERICKSON (Realtor): Recommends that the trucks be routed along Tioga Avenue to Sand Dunes Drive.

Councilmember Hubler expressed concerns about noise to residents, especially on the route and hours being proposed. Where will the trucks park in relationship to residents? He wants the least amount of impacts to residents. In response, Mr. Orosco said that there are only two rental units on nearby property and he is unsure how long those rentals will continue. Councilmember Kruper asked about water usage and washing down of trucks because he prefers that the wash-down be done outside of the City to abate potential odors. City Engineer Kulakow said that there is the potential of oil runoff and if the interceptor pillows have to be replaced, there will be a charge-back to DBO.

MICHAEL MORRIS (Tioga Avenue Resident): He has resided in Sand City for 30 years, and has seen three operations come and go. He feels this is a step backwards. These businesses have always been a problem and once the permit is issued it's really difficult to mitigate and enforce any conditions with regulations and rules. Make sure the business is out of here in one year, not just another roll over thereafter. He questioned the number of trucks being allowed on site as a condition of the permit - is it 8-9 trucks per day? Does the City get revenue or just problems? These businesses often start off as one thing and then turn into something else and he feels there should be an escape clause for the City should they not comply with the permit. In response to one question, Associate Planner Pooler said that according to the permit application there will be 15 trucks.

7:54 P.M. Floor Closed to Public Comment

Mayor Pendergrass wants monthly monitoring by City staff to be a condition of approval as well as no wash downs, the restricted route, and approved for only one year. He is disappointed that the applicant was not present this evening. Mr. Orosco said that the County contract with Mr. Carroll does not occur until December or January and they will not move in until January 2003. In response to a question by Mr. Morris, Mr. Orosco stated that all trucks will be parked on-site only. There was an added condition to only allowing the trucks to travel down Tioga Avenue to Del Monte to avoid the

residential dwellings at the top of Tioga Avenue. All amendments to the permit were restated for the record.

Motion to approve Temporary Use Permit application, as amended, was made by Councilmember Blackwelder, seconded by Councilmember Kruper. AYES: All Councilmembers. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

[Due to a possible conflict of interest, Councilmember Kline abstained, left the dais and joined the audience.]

- E. Community Development Director Matarazzo presented the Coastal Development Permit application by Graniterock Company to amend their Coastal Development Permit (CDP #02-03) regarding remodeling of their existing facility located along California Avenue and the Union Pacific Railroad right-of-way (APN 011-201-009). The permit amendment qualifies as a categorical exemption, under State CEQA (California Environmental Quality Act) Guidelines, Section 15302, and is mostly within a non-appealable Coastal Manufacturing zoning district (CZ-M). Graniterock wants unrestricted night activity to stay competitive, but stated they average twelve night jobs per year. The proposed new facility will assist in noise abatement. They will work with Sand City and Seaside to route their evening trucks via Del Monte Avenue where there are no residential properties, and will restrict truck traffic to the north end of California Avenue. Councilmember Hubler expressed concerns regarding access and noise to residents.

8:20 P.M. Floor Open for Public Comment

CHRIS MANN (Graniterock District Manager): They do have certain concerns under consideration: if the City of Seaside does not allow the night traffic to flow onto Del Monte Avenue, if TAMC acquires the railroad right-of-way, or if there is a permanent bike path placed on the right-of-way - where the trucks enter/exit may be an issue. Graniterock is in the design process with Seaside for their retail operation on Del Monte Avenue and will be meeting tomorrow. Community Development Director Matarazzo said he has asked Seaside to share information with Sand City prior to making a final decision on that project.

8:25 P.M. Floor Closed to Public Comment

Councilmember Hubler confirmed that the Council previous approval had restricted the night time jobs to twenty per year.

Motion to approve Conditional Use Permit application as recommended by staff was made by Councilmember Blackwelder, seconded by Councilmember Kruper. AYES: Councilmembers Blackwelder, Hubler, Kruper, Pendergrass.

NOES: None. ABSENT: None. ABSTAIN: Councilmember Kline. Motion carried.

On behalf of Graniterock, Mr. Mann thanked the City Council for their approval. He commented on the good working relationship he has had with Mr. Matarazzo and Mr. Pooler, and feels this arrangement will work out well for both parties.

[Councilmember Kline 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 abstained, left the dais and joined the audience.]

- A. Associate Planner Pooler presented the Redevelopment Agency **RESOLUTION Authorizing a Time Extension to January 21, 2003 of Water Credit Reservation to Gus & Millie Randazzo for the Development of a Mixed Use Development Project.** There was a correction to the expiration date on the resolution from January 21, 2002 to 2003. The Randazzo's were one of the seven project recipients that was reserved water to facilitate their mixed-use project. This reservation extension is due to expire on November 20, 2002. The Randazzo's have acquired site and architectural permit approvals, paid school district impact fees to the Monterey Peninsula Water Management District, acquired sewer and water connection permits, and incurred expenses related to the project. A building permit is ready to be issued. The applicant was present, but declined comment.

Motion to approve Resolution by title only, as corrected, 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. City Administrator Morgan led the discussion of Sand City's position on the Highway 101/Prunedale Bypass alternatives *[continued from October 15, 2002 meeting]*. An updated TAMC staff report was distributed this evening. The City of Salinas, with the greatest number of votes, does not want all funds for the next twenty years to be used on this one project. Mr. Morgan discussed the draft TAMC report as follows: unified support for Alternative 4E Modified, safety first, concurrent work on all selected priority projects, gain local control over revenues. Briefly, the key issues are: all alternatives address safety, only some address capacity, more capacity is needed to clear the Highway 101 bottleneck, bond financing is required, alternative chosen affects funding for other projects, Alternative 4E Modified is a compromise,

CalTrans 57% is a key assumption, new local financing is critical to meet other county-wide needs, and progress depends on a united TAMC position.

Council gave unanimous consensus to allow the City representative, Kelly Morgan, flexibility and latitude to make the best decision on the day votes are cast.

- C. 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. City Engineer Kulakow reported that Seaside was moderately successful in keeping the outfall clear which did not cause any flooding problems last week with the serve high tide/storm waters. The desal test pump flooded and short circuited which is currently being repaired. The new flagpole/antenna will be installed on Thursday and the new bus shelter/equipment enclosure is nearly complete. Some lighting will be required to keep the flags posted at night. He is still applying for state grants to complete the bicycle trail lighting along Sand Dunes Drive. Community Development Director Matarazzo met with Marina Coast Water District last week. There was discussion of redundancy in case of an emergency and there is the opportunity to connect them to the Sand City desal site for mutual aid and maintenance. They too liked the idea and may suggest a Memorandum of Understanding. City Administrator Morgan gave a brief preview of the December Council meetings and proposes to have the preliminary plans for the City Hall civic center enhancements on the December 17th agenda.

AGENDA ITEM 10, NEW BUSINESS:

- A. There was minor discussion of the Joint Powers Financing Authority **RESOLUTION Confirming Its Officers**. There was no financial activity during the fiscal year, and no changes from the November 5th municipal election, this statement of facts is only an update.

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

AGENDA ITEM 11, CLOSED SESSION:

- A. It was determined that the City Council did not need 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 (one case). This item will be considered at a future meeting.

AGENDA ITEM 12, ADJOURNMENT:

- A. Motion to adjourn was made by Councilmember Blackwelder, seconded by Councilmember Kruper, to the next regularly scheduled City Council meeting on December 3, 2002, 7:00 p.m. There was unanimous consensus of the Council to adjourn at 8:53 p.m.



Debra Taylor, City Clerk