

**MINUTES**  
**JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY**  
**City Council Chambers**  
**Regular Meeting - January 18, 2000**  
**7:00 PM**

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

Reverend Kast led the invocation.

Chief Klein led the pledge of allegiance.

Present: Councilmember Blackwelder  
Vice Mayor Kline  
Councilmember Hubler  
Councilmember Wishon  
Mayor Pendergrass

Staff: Kelly Morgan, City Administrator  
Steve Matarazzo, Community Development Director  
J. Michael Klein, Police Chief  
Jim Heisinger, City Attorney  
Mike Bittner, Acting City Engineer  
Debra Taylor, City Clerk  
Charles Pooler, Assistant Planner

**AGENDA ITEM 4, COMMUNICATIONS:**

- A. The written communications distributed to the City Council this evening included the draft General Plan. A workshop on the General Plan will be scheduled for the February 1st meeting.

7:05 PM Floor Opened for Oral Communications

- B. REVEREND KAST: Thanked the City Council for their donation to the Christmas dinner that was prepared by the Assembly of God Church in Seaside. They fed many guests, drop-ins, and shut-ins from all over the Peninsula and as far as Salinas. He also thanked the Council for his community service award presented to him at the Awards Banquet in December.

7:06 PM Floor Closed to Oral Communications

**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 January 4, 2000 Minutes.

- B. There was no discussion of the monthly Police Department Activity Report, December 1999.
- C. There was no discussion of the denial of a claim by James Ogle against the City of Sand City. This \$5000 claim is based on having to move from his business at 718 Redwood. This item will be forwarded to the Risk Manager (Kent Rice, MBAIF).

Motion to approve Consent Calendar was made by Councilmember Hubler, seconded by Councilmember Wishon. AYES: All members. NOES: None. Motion carried.

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

No items.

**AGENDA ITEM 7, PUBLIC HEARING(S):**

- A. Assistant Planner Pooler presented the Site Plan Permit application by Allan Abbot for the approval of a two-story structure for a personal garage and workshop at 742 Dias Avenue (APN 011-193-013). Site is located within a non-coastal Manufacturing (M) Zoning District and the project qualifies as a categorical exemption under State CEQA Guidelines, Section 15301. The property is currently developed with a single-story, single-family home. The proposed workshop/garage will be 1,496 sq ft, detached, two-story structure. The garage (with zero setbacks) will be on the lower level and the workshop on the upper level, covering approximately 23% of the property. This will also supply off-street parking for the existing residents. The Design Review Committee (DRC) approved a redesigned project on January 13th. The applicant will install ultra-lowflow toilets in the existing house which should provide him with enough water credits to install a toilet in the 2nd floor workshop area. The water permit from MPWMD is still pending. An Owner Participation Agreement (OPA) for the curb, gutters and sidewalk is part of the project's site plan approval.

7:10 PM Floor Open for Public Comment

JIM VOCELKA (Architect): He made a minor correction to the background information in the staff report because the DRC changed the building materials from masonry to wood. This structure will be for personal, non-commercial use only.

7:13 PM Floor Closed for Public Comment

Motion to approve Site Plan Permit, by title only, was made by Councilmember Kline, seconded by Councilmember Blackwelder. AYES: All members. NOES: None. Motion carried.

## AGENDA ITEM 8, OLD BUSINESS:

- A. Discussion of Sand City water issues was led by City Administrator Morgan. Included in the agenda packet is a copy of a draft letter sent to Judy Almond (CalAm) regarding the proposed desal project. This draft letter was sent to CalAm for their input prior to sending a formal letter. The Monterey Peninsula is headed toward more constraints on water supply with possible rationing by CalAm. There is a rumor that the Water Board is considering abolishing the water credit program. Staff will meet on Friday with Coastal Commission staff regarding the proposed desal project. City staff is contacting possible consultants for the EIR process and the necessary information and characteristics needed prior to the EIR. This will include hydrological tables, impacts, discharge, etc. Martin Feeney has made a proposal to do this pre-EIR work, to include well drilling, for a cost of approximately \$80,000. The proposed CalAm dam will be for existing customers only and will not include water for additional development. Therefore, the City will have no other way to redevelop without this desal plant.

Community Development Director Matarazzo reported that Marina's desal EIR was \$100,000 and garnered favorable reviews by public agencies. The discharge from Sand City's desal plant will be the same saline solution as the bay and will not create environmental impacts. It is to Sand City's advantage that Marina's desal has shown no evidence of impacts to the Monterey Bay Sanctuary after 5 years.

In response to a question by Councilmember Hubler, Mr. Morgan replied that the overall costs prior to ground-breaking is expected to be \$200,000. This is why staff is meeting with Coastal Commission staff prior to requesting authorization from the City Council for these large expenditures. Concerns by Coastal Commission will be known prior to the pre-EIR process. Mayor Pendergrass said that an EDA grant application could be made toward this project.

- B. City Attorney Heisinger led the discussion regarding agreements with Monterey Fish Company and King Ventures. The City will facilitate the transactions between the two companies. A copy of the draft proposal to King Ventures was included in the agenda packet, along with a letter to the Monterey Fish Company on behalf of the City/Redevelopment Agency. City Administrator Morgan stated that this arrangement with King Ventures and the Monterey Fish Company will offer a level of protection (securing the water credits) by allotting this water to a specific project.

- C. Update on coastal projects and Habitat Conservation Plan (HCP) was presented by Community Development Director Matarazzo. Mr. Ghandour is waiting for the City's letter from US Fish & Wildlife on the progress of the HCP before he decides his next step, especially regarding the snowy plover. On a separate issue - the Sterling permit was not officially extended by the Coastal Commission in September 1999. John King (King Ventures) spoke with Mr. Van Zandt (Bell Trust attorney) regarding a possible desal for the Sterling project. The entire project will be re-visited by the Coastal Commission in the future and may include a Sterling desal facility.

City Administrator Morgan said the City realizes the importance of working with union groups to build projects. The City has two Councilmembers who are union members, and has already adopted a local-preference resolution for all major public developments. The City is reminding all developers of this existing resolution and preference, and both King and Ghandour have told staff they intend to utilize local labor.

- D. Progress report on Public Works projects, City water project, and other Sand City development projects by City Engineer/Community Development Director. Assistant City Engineer Bittner reported the sand removal on the bicycle path is completed. Sand fencing installation should start tomorrow. The City requested the fence to be placed closer to the beach, but was denied by State Parks. Mr. Matarazzo reported there will be a General Plan workshop at the February 1st Council meeting. The draft was distributed this evening to Councilmembers to offer an opportunity to read over the details prior to this workshop.

**AGENDA ITEM 9, NEW BUSINESS:**

- A. Discussion regarding potential abandonment of the Union Pacific rail line was led by City Administrator Morgan. A letter to Union Pacific was included in the agenda packet. The City has asked to be kept informed of any agendas, notices, correspondence, or reports on this issue. Mr. Morgan spoke to the Union Pacific representative in charge of the abandonment team in Nebraska, who was still guarded in his answers. Union Pacific wants to end freight service on the railroad and this requires approval from the federal government. If one customer wanted freight service they are theoretically obligated to meet their needs. This abandonment process will give Union Pacific a full range of possible options to dispose of the rights-of-way and the opportunity to negotiate with more parties. This does not effect the negotiating process between the Transportation Agency for Monterey County (TAMC) and Union Pacific. Sand City has four main entrances that cross the railroad lines, has adjacent

property and other interests in this railroad rights-of-way.

- B. Mayor Pendergrass presented the Peace Coalition of Monterey County request and possible approval of Resolution in Favor of Registration and Licensing of Handguns or **Resolution Supporting Existing State and Federal Laws.**

Motion to approve alternate Resolution, by title only, was made by Councilmember Hubler, seconded by Mayor Pendergrass. AYES: All members. NOES: None. Motion carried.

- C. Discussion of State Controller State Municipal Advisory Reform Team (SMART) report. Mayor Pendergrass reported on this informational item. Supervisor Judy Pennycook is the County's representative and does not support what the State Municipal Advisory Reform Team Enhanced Report (SMARTER) proposes. Sand City's economic base would be drastically effected by the SMARTER proposals. No action taken.

**AGENDA ITEM 10, CLOSED SESSION:**

- A. The City Attorney determined that Closed Session to confer with legal counsel regarding pending litigation (Cal. Gov. Code sec. 54956.9) entitled Department of Fair Employment and Housing v. Sand City (No. E199900G0622-00-e/0370A05136), was not required this evening. Closed Session was cancelled.

**AGENDA ITEM 11, ADJOURNMENT:**

- A. Motion to adjourn was made by Councilmember Kline, seconded by Councilmember Hubler, until the regularly scheduled City Council meeting on February 1, 2000, 7:00 pm. There was unanimous Council consensus to adjourn at 8:07 p.m.



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Debra Taylor, City Clerk