

MINUTES  
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY  
City Council Chambers  
Regular Meeting - February 1, 2000  
7:00 PM

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

Pastor Brian Bailey led the invocation.

Chief Klein led the pledge of allegiance.

Present: Councilmember Blackwelder  
Vice Mayor Kline  
Councilmember Wishon  
Mayor Pendergrass

Absent: Councilmember Hubler

Staff: Kelly Morgan, City Administrator  
Steve Matarazzo, Community Development Director  
J. Michael Klein, Police Chief  
Gerard Rose, Acting City Attorney  
Stan Kulakow, City Engineer  
Debra Taylor, City Clerk  
Marti Noel, Planning Consultant

**AGENDA ITEM 4, COMMUNICATIONS:**

- A. The written communications distributed to the City Council this evening included January 27th letter from Monterey Regional Waste Management District regarding funding for litter cleanup and recycling (item 8-B); Herald news article on water issues (item 8-E); and letter from Foy Consulting Group regarding the MPWMD Board of Directors meeting of January 27th (item 8-E).

7:03 PM Floor Opened for Oral Communications

- B. CORA LEE GROSS (Resident): She asked if the new sidewalks and gutters that are proposed for Park Avenue could run to her property as well (Oceanview & Fell). Would this require an assessment to the property owner?

City Engineer Kulakow said that initially there would not be an assessment at this time.

7:05 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. 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 #192, Steve Wilson (Mobile Home), 7 Scott Street
- (2) CUP #212, Nickolas Olivo (Music Recording Studio), 1745 Hickory Street
- (3) CUP #241, Jerry Lyon/Automotive Specialist Service (Automotive Repair), 475-A Olympia Avenue
- (4) CUP #383, Burkleo Roofing (Roofing Company), 431 Ortiz Avenue
- (5) CDP #91-02, Mr & Mrs Kit Parker/Kit Parker Films (Storage and Film Business), 391 Ortiz Avenue
- (6) CDP #93-01, Max Wholesalers (Picture Frame Supply), 325 Elder Avenue
- (7) CDP #98-01, James Davi/Surfaces (Paint Contractor), 1815-E Contra Costa
- (8) CDP #99-01, Monterey Bay Video Production (Video Production), 1807-B Contra Costa

B. There was no discussion of the January 18, 2000 Minutes.

C. There was no discussion of the Police Department Activity Report, 1999 and Five Year Overview.

D. There was no discussion of the monthly Fort Ord Reuse Authority (FORA) Report, January.

E. There was no discussion of the City **RESOLUTION Making Re-Appointments to the Design Review Committee for a Two Year Term** (Lindberg, Hubbard, Paul Davis Jr).

F. There was no discussion of the City **RESOLUTION Making New Appointment(s) to the Design Review Committee for a Term of One Year** (Saroyan, Briant). These two appointments will fill the open vacancy (by Michele Wishon) and to replace Tom Deyerle who resigned in December. If this arrangement is acceptable, these appointments will be renewed and extended for a two year period in January 2001.

G. There was no discussion of the City **RESOLUTION Honoring Seaside/Sand City Chamber of Commerce 1999 President's Award** to Ron Johnson.

- H. There was no discussion of the City **RESOLUTION Honoring Seaside/Sand City Chamber of Commerce 1999 Samuel Harris Citizenship Award** to Faye Coleman.
- I. There was no discussion of the City **RESOLUTION Honoring Seaside/Sand City Chamber of Commerce 1999 Business of the Year Award** to Community Bank.
- J. There was no discussion of the City/Redevelopment Agency Financial Reports, December 1999.

Motion to approve Consent Calendar was made by Councilmember Kline, seconded by Councilmember Wishon. AYES: Councilmembers Blackwelder, Kline, Wishon, Pendergrass. NOES: None. ABSENT: Councilmember Hubler. Motion carried.

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

No items.

**AGENDA ITEM 7, PRESENTATION(S):**

- A. Community Development Director Matarazzo presented a status report and led a general discussion of the draft General Plan and recommended related policy changes. This draft incorporates major concerns and issues raised by the City Council over the last several years. An official draft and a negative declaration will be finalized later this year which will require public hearings and adoption by Council. A brief summary of changes include the following: a better, residentially-balanced community; mixed-use development; a build-out population of approximately 1300; small coastal inns allowed on the east side of Highway One; south of Tioga proposed development; no land use changes are proposed for west of Highway One; neighborhood development planning; redevelopment; specific General Plan elements; and Old Town beautification. Coastal areas with "heavy commercial" and "manufacturing" designations will be changed to "mixed use" to allow more housing. Up to 23 dwelling units per acre are proposed in Old Town providing mixed residential/commercial uses. It would also be suitable to transition Old Town from auto and manufacturing uses to high-tech companies. There may be a future retrofit of the Sand Dollar Center to upgrade to the Edgewater Center design standards. The City needs to demand high architectural standards, especially along Highway One. The General Plan will also reinforce principles of the 1996 Memorandum of Understanding between Sand City, State and Regional Parks. Other General Plan elements will include the proposed desal plant at 300 acre feet per year; extending Catalina Avenue through Kmart (requires Kmart and city of Seaside approval); extend California Avenue; and change the

Contra Costa/Broadway intersection design. The planning horizon year is 2015. State law requires that General Plans have at least seven elements or topical areas. They are: land use, housing, open space, conservation, noise, circulation, and safety. The Sand City Local Coastal Program element is incorporated by reference. The housing element is not due for an update until June 2002. Mr. Matarazzo showed slides and gave a regional comparison of Emeryville which included architectural elements and highlights of that area.

MARTI NOEL (Planning Consultant): Ms. Noel showed slides of housing developments in Campbell, San Jose, San Luis Obispo, and Sand City to give density references. Proposed zoning designations were also shown. There was some discussion of the future designation of the railroad area which is now zoned C-Z (coastal zone). In answer to a question by Councilmember Kline, it was confirmed that a traffic study will be required for the proposed Contra Costa/Broadway intersection changes.

Mr. Matarazzo said that revisions can be incorporated over the next two months and will also require an Initial Study and Negative Declaration. The City received 75% grant financing for the air, traffic and noise study. All property owners will be notified, giving the opportunity to attend future public meeting(s) on the General Plan. In response to a question from Councilmember Wishon, Mr. Matarazzo explained that family size (2 to 2.5 people) is just a representative average (based on the 1990 census) for population build-out figures. Originally, the limits placed on the industrial areas of Old Town for housing units (600 sq feet) were due to the heavy industrial nature of the area. There was a safety issue for children to be considered. This limitation will be removed in the new General Plan. Councilmember Blackwelder discussed the scale and relationship of buildings, sidewalks, and streets in the East Dunes area. Does the City want uniformity by building all at once, or build as necessary and extend the street accordingly? Mr. Matarazzo said that the Design Review Committee would prefer several developers in the East Dunes so that housing variety could be achieved.

Councilmember Wishon raised the following questions and issues: She has concerns about allowing 3-stories to homes in the East Dunes area. Mr. Matarazzo explained that it would only be allowed in some areas of the East Dunes Planned Unit Development. It was denied for the St John Planned Unit Development (PUD) due to view concerns. Ms. Wishon prefers the "mom & pop" speciality shops and individual businesses in the south of Tioga area such as the Mediterraneo store and the Sanctuary Rock Gym. The City has some very good businesses. Should this area lose those businesses? Mr. Matarazzo said that in-town

relocation could be a requirement of a master developer. Ms. Wishon would also like some better pedestrian access through and between the two shopping centers, especially near Orchard Supply Hardware (OSH). Ms. Noel explained that embellished crosswalks could be considered in the future. City Engineer Kulakow said he would investigate a possible crosswalk near OSH. Mr. Matarazzo said it could be a part of the future Capital Improvement Program.

City Administrator Morgan and Mayor Pendergrass commended Mr. Matarazzo and his planning team in producing an excellent document in this draft stage.

**AGENDA ITEM 8, OLD BUSINESS:**

- A. Community Development Director Matarazzo gave an oral report on the Transportation Agency for Monterey County (TAMC) separation from Monterey County. The TAMC Board wants to economize and will probably only have an executive director and not a deputy director. Additional costs for TAMC could run as high as \$100,000 per year which may effect future TAMC projects/budgets. This separation is an "eviction" by Monterey County and should happen within one year.
- B. Community Development Director Matarazzo gave an update on waste diversion on the Monterey Peninsula. The city of Monterey was at 30-35% waste diversion, after a local business study they increased to over 50%. PMC will conduct a study on local businesses in Sand City to try to improve our waste diversion percentage. The State Integrated Waste Management Board may put a moratorium on changing the base rate. Mayor Pendergrass recommends starting this process and updating figures as soon as possible. SB332 update was distributed this evening from MRWMD. They would like to request that each city in the district contribute a portion of their block grant for the campaigns for litter cleanup and recycling, especially along Highway One.
- C. City Administrator Morgan gave a progress report on the proposed parking on City-owned lots at the end of John Street. There has not been a final decision by Mr. Woods regarding this property. Mr. Woods is concerned about the costs of developing the parking lot; doesn't really need this much parking for his adjacent properties; and didn't like the concept of being required to develop 6 spaces for other businesses. Regardless, there is a need to create an area to address the parking problem in this area. Mr. Woods does not want the lease, but would buy the property for \$35,000 with no conditions attached. At this time the Council has four options regarding the status of this property: continue lease negotiations; start negotiations to sell the lots with the condition

that the City lots and street right-of-way would be developed with a parking lot of approximately 20 spaces; retain and develop the lots at City expense; or as a possible location for the desal plant and/or storage tank for the desal water. This would be right across the freeway from the possible desal well locations on Bay Street.

PETE ERICKSEN (Representative for Roy Woods): He stated that Mr. Woods does not want to provide parking for others beyond the needs of his tenants, especially without adequate compensation. He also does not want to have to provide more than 6 spaces. Mr. Woods is prepared to grade, develop and landscape the property at his own expense; and can do 10 spaces on the lower level right now. The loading dock would also be at his expense and design. City Administrator Morgan recommended that the City Engineer prepare a feasibility study to including a desal plant at this site.

Mayor Pendergrass commented that to purchase a separate piece of property for the desal would be expensive. We are in the middle of the desal project now, and he recommends waiting to make a decision keeping all options open. Council consensus to delay a final decision at this point in time.

- D. Update on coastal projects and Habitat Conservation Plan (HCP) was given by Community Development Director Matarazzo. Staff met today with State Park representatives Ken Gray and Dave Dixon. State Parks sign off on the HCP will be required. There is a bit of a dilemma as one representative is advocating habitat while the other wants public access and recreation. The City HCP is recommending all beach areas south of Tioga be shut down to the public at the height of the snowy plover breeding season and State Parks won't accept this. State Parks also wants a more regional solution to their issues. A draft letter will be sent to US Fish & Wildlife in the future, especially regarding the Monterey Bay Shores project, habitat concerns, and outstanding issues with the City HCP.

City Administrator Morgan suggested the HCP be placed on hold until certain issues are addressed and/or the McDonald site becomes active. There was some discussion of the design and layout of the Fess Parker Hotel in Santa Barbara (24-acre site, 360 rooms). A brochure on the hotel was distributed to the Council.

- E. Progress report on Public Works projects, City water project, and other Sand City development projects by City Engineer/Community Development Director. City Engineer Kulakow reported the Robinette well is finished and ready for use. Bike trail sand has been removed which ended up

on the Robinette site for future development. The sand fence is installed along the west side of the bike path. Double rows of fences were added north of the Bay Street pumping station. Planting along the slopes will start tomorrow. Seeding will be done in February and March if favorable weather conditions continue. Ortiz/Holly/Redwood plans and improvements should be ready within four weeks. In response to a question by Councilmember Wishon, Mr. Kulakow explained the use and design of the sand (drift) fencing. City Administrator Morgan asked the City Engineer to find a solution for the standing water that is always present on Hickory and Ortiz Avenues (as part of the Ortiz Avenue reconstruction project).

Community Development Director Matarazzo is considering certain plants that could be planted on the bicycle path landscape strip. Staff is looking into City-owned property that can be zoned for the desal. Coastal Commission staff does acknowledge Sand City's need for water; their concerns are zoning, habitat, visual impacts, and public access. There have been preliminary discussions with the Water Pollution Agency (Bay Street) regarding a slight expansion to house the desal plant. If all environmental concerns are met, it may be approved. Certain allocations of water must be for recreation and visitor-serving uses if built in the coastal zone. Mr. Matarazzo and City Attorney Heisinger met yesterday with Coastal Commission staff on this proposed desal project. City Engineer Kulakow reported that Martin Feeney is ready to move ahead on the initial studies for the desal. A contract approval resolution will be presented at the February 15th Council meeting.

9:10 PM Recess  
9:20 PM Reconvene

*[Due to Councilmember Wishon residing within 300' of this project area, she was excused from the dais and joined the audience.]*

- F. Consideration of agreement between Monterey Fish Co. and King Ventures and allocation of water to McDonald coastal property (APN 011-012-01 & 02) was presented by City Administrator Morgan. Staff met today with the Budget Committee to discuss these estimated water credits of the Monterey Fish Company. The City would agree to accept these credits and reallocate to King Ventures if all the terms are worked out with Monterey Fish Company. The agreements are not finalized at this time. Staff has determined that the City will not be a part of the agreement between Monterey Fish Company and King Ventures. There was some discussion of agreement points that still need to be worked out between the two parties. A new draft of the agreement will be considered at a subsequent meeting to be adopted by resolution. Commu-

nity Development Director Matarazzo sent a letter to the Water District stating the City's acceptance of 23 acre feet, and are expecting confirmation by the end of the week. A recorded document from the Monterey Fish Company must be delivered before these water credits can be credited to the City. Staff has concerns about the possible changes to water credit policy that may be imposed by the new Water District Board.

Motion to accept conceptual approval of the agreement, as amended by staff and Budget Committee, was made by Mayor Pendergrass, seconded by Councilmember Kline. AYES: Councilmembers Blackwelder, Kline, Pendergrass. ABSENT: Councilmember Hubler. ABSTAINED: Councilmember Wishon. Motion carried.

Motion to set a special Council meeting for 5:00 pm, February 8, 2000, was made by Councilmember Kline, seconded by Councilmember Blackwelder. AYES: Councilmembers Blackwelder, Kline, Pendergrass. ABSENT: Councilmember Hubler. ABSTAINED: Councilmember Wishon. Motion carried.

*[Councilmember Wishon returned to the dais.]*

**AGENDA ITEM 9, NEW BUSINESS:**

- A. Consideration of response to the Grand Jury was made by Police Chief Klein. The response addressed issues related to the possession, use, and manufacturing of methamphetamine in Monterey County. Mayor Pendergrass made an amendment to response #6 and #7, "...such as a task force..."

Council consensus to send this response letter, as amended, to reply to the Grand Jury.

- B. Police Chief Klein gave an update on the Emergency Communications facility for Monterey County. There is a need to consolidate and upgrade the 911 facility. The question is if cities are responsible for 57% of the total building costs; it is a matter of "ownership" responsibilities with maintenance, costs, supplies, etc. At present, the County withholds a disproportionate share of these funds for their own general fund purposes. A memorandum of understanding may be required to reach a mutually agreeable solution. City Administrator Morgan reported that the City Managers' Association met with the new County Administrative Officer, Sally Reed. She is working in a very positive way to address funding issues, especially Prop 172 funds. She also suggested the Mayors' Association take the lead for developing policy consensus on this issue. No action taken.




- C. Report on Emergency Medical Services (EMS) program for Monterey County/Measure A ballot issue was presented by Police Chief Klein. There was some discussion of using a Sand City officer in uniform in an ad supporting Measure A. Acting City Attorney Rose said it had to be an individual's choice, not an assignment. He recommends addressing the Sand City Police Officers Association to select a volunteer. Approval was given to be photographed in uniform. Chief Klein said he was approached because Sand City is the only city on the Monterey Peninsula that has officers that are qualified on the defibrillation units. No action taken.

**AGENDA ITEM 10, CLOSED SESSION:**

- A. City Council and City Administrator adjourned to Close Session to confer with legal counsel (acting City Attorney, Gerard Rose) regarding pending litigation (Cal. Gov. Code sec. 54956.9) entitled Department of Fair Employment and Housing v. Sand City (No. E199900G0622-00-e/0370A05136).
- B. Council readjourned to Open Session at 10:32 pm to report any action taken at conclusion of Closed Session in accordance with §54957.1 of the Brown Act. Council consensus to give direction to City Attorney.

**AGENDA ITEM 11, ADJOURNMENT:**

- A. Motion to adjourn was made by Councilmember Kline, seconded by Councilmember Blackwelder, until the special City Council meeting on February 8, 2000, 5:00 pm. There was unanimous Council consensus to adjourn at 10:35 p.m.



Debra Taylor, City Clerk