

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting - May 16, 2000
7:00 PM

Mayor Pendergrass opened the meeting at 7:03 p.m.

There was no invocation.

Police Chief Klein led the Pledge of Allegiance.

Present: Councilmember Blackwelder
Vice Mayor Kline
Councilmember Hubler
Councilmember Wishon (arrived 7:20 p.m.)
Mayor Pendergrass

Staff: Kelly Morgan, City Administrator
Steve Matarazzo, Community Development Director
Jim Heisinger, City Attorney
Stan Kulakow, City Engineer
Debra Taylor, City Clerk
Charles Pooler, Assistant Planner

AGENDA ITEM 4, COMMUNICATIONS:

- A. The additional written communications distributed to the City Council included an after-action report by Chief Klein on the electric shuttle bus demonstration (item 4-A); Community Development Director memo on the proposed rail service from San Francisco to Seaside (item 7-A); and a May 16th Herald news article on the vote by the Water Management District regarding water credit transfers (item 9-C).
- B. The floor was opened at 7:05 p.m., but there were no public 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 May 2, 2000 Minutes.
- B. There was no discussion of the monthly Police Department Activity report, April.
- C. There was no discussion of the City/Redevelopment Agency Financial reports, April.
- D. There was no discussion of the \$500 donation to the Monterey County Film Commission for fiscal year 2000-2001.

- E. There was no discussion of the City **RESOLUTION Authorizing a Service Agreement Renewal with the City of Monterey for Street Sweeping Services**. There is a 3% increase in the contract price compared to fiscal year 1999-2000. Hourly rates will be \$59.79, and \$68.80 for special sweeping services.
- F. There was no discussion of the City **RESOLUTION Authorizing Agreement for Business License Services with HdL Software, LLC**. The total for business license software and a one-year maintenance contract is \$7,250.

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

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

None items.

AGENDA ITEM 7, PRESENTATION(S) :

- A. Presentation by Transportation Agency for Monterey County (TAMC), on the proposed rail service for the Monterey Peninsula. Dave Potter (Chair, TAMC Rail Committee) made the initial introductions of staff and consultants. TAMC is present to hear concerns, answer questions, and listen to alternative suggestions which may be incorporated into additional planning documents.

MARY ORRISON (TAMC): Introduced the consultants. TAMC is here to make sure all planning issues are addressed. TAMC wants public input regarding environmental impacts, or to offer alternatives.

STEVE BROOKS & RICH WALKER (TAMC Consultants): The main issues being considered are highway congestion, air quality, travel patterns, tourism, and environmental/community concerns. A survey has shown that the methods of travel used to arrive on the Monterey Peninsula are 80% cars, 11% rental cars, and buses. Recommended solutions have included highway improvements, TDM, buses, intercity passenger rail between Seaside and San Francisco. The environmental analysis will include review of impacts to the natural environment and community issues.

Mayor Pendergrass stated that the concerns of Sand City have already been expressed to TAMC in the Community Development Directors memo. These include potential traffic impacts and rail improvement costs that may effect Sand City. The rail service would have a bearing on every entrance into the City, especially at both shopping centers and the freeway entrance/exits. Potential tourism may benefit others, but not Sand City,

especially without coastal development. The City has been helpful in the past with sponsoring the rail demonstration that came into town a few years ago. Councilmember Hubler commented that there are more negative than positive effects regarding traffic and rail crossing expenses if the train came this far south. Councilmember Kline concurred. There already exists some traffic problems and she wants to know if a study has been done to address these concerns directly.

DAVE POTTER: Comments made by Council this evening are accurate. This is a look forward that will effect the entire Peninsula for tourism. They propose that the train stops in Seaside, not Monterey. There is a good opportunity here for planning in the future, and Sand City is at the door step. Mr. Potter complimented City staff, in particular City Administrator Morgan, on their work and participation to date. Union Pacific is sending them mixed messages regarding Sand City crossings. The old Del Monte Express train was the cadillac of train service in its day.

7:20 p.m. Floor Open to Public Comment

BRIAN ASCHELE (Seaside Resident/TAMC Citizens Advisory Committee): There have been many discussions on the return of train service to Seaside and Salinas, and most agree on the desirability of train service to this area. They regard this as more than just for tourism - it is also a good mode of transportation. Once people see and experience the rail they will support it and we will benefit with road safety, less pollution, and less traffic.

DAVID BURKE (TAMC Citizens Advisory Committee): Studies talk about providing services from the Monterey Peninsula and San Francisco. In September 2000, SFO (airport) work will be completed, BART will go to SFO and onto Milbrae. Milbrae has BART and CalTrain. SFO is the only major airport in California adjacent to rail. He went on to discuss the San Jose commuter rail. This is an opportunity for "new" transportation for northern California.

The Mayor made a comment that it would be nice if Sand City could get some resort projects so that we would have a need for visitor rail service.

DEETTA NICELY (TAMC Executive Director): Thanked the Council for this opportunity to have their first scoping meeting.

7:28 p.m. Floor Closed to Public Comment

There was no action by the City Council.

AGENDA ITEM 8, PUBLIC HEARING(S) :

- A. Assistant Planner Pooler presented the Coastal Development Permit (CDP #00-03) application by Jack Lee establishing an iron ornamental and metal workshop within a portion of 531-B Orange Avenue (APN 011-236-012, 013 & 014), in the non-appealable Coastal Manufacturing (CZ-CM) zoning district. The project qualifies as a categorical exemption under State CEQA Guidelines, Section 15301. On-site equipment will include welding machines, a steel saw, pipe roller, steel table, and small hand tools. Hours of operation will be from 8:00 am to 5:00 pm, Monday through Friday. There are two issues of concern for staff - noise and access. Staff recommended the following: 1) the applicant be required to keep all doors and windows closed if the operation generates unacceptable noise levels that pose a nuisance; 2) acoustical insulation be installed to reduce potential noise impacts when the Robinette site is redeveloped as a residential use; and 3) acoustical insulation shall reduce noise to a level of 60 Ldn (Average Day/Night Noise Level) (amended from 45 dB) or less as measured along the property's perimeter, and verified by an acoustical engineer. The acoustic insulation will not be required if noise levels are confirmed by the engineer and within the allowable limits.

The second area of concern is access to the site. Due to the majority of the property's southern frontage abutting the Union Pacific railroad right-of-way, there is not adequate access to the site from Orange Avenue. Access to the lower level of the building would be cut off if Union Pacific were to erect a wall or fence along their right-of-way. Staff recommended that the property owner (George Wilson) attempt to obtain an easement along the Union Pacific frontage of the building or adjacent property for a minimum 24-foot wide driveway to the rear of the building. An alternative to the easement would be to require the property owner to grade and pave his adjacent parcels to provide parking and access from Shasta Avenue to service the lower level, or provide access through the building. Regardless of use or noise, this access issue would need to be addressed for any tenant. The property owner needs to show proof of a prior easement. Vehicle access must be made available for deliveries, fire and safety department passage. No additional water or parking is necessary. In answer to a question by Councilmember Wishon, it was determined that Union Pacific currently leases on a month-by-month basis, which can be terminated at any time.

7:41 p.m. Floor Opened for Public Comment

JACK LEE (Applicant): He would like the Council to consider approving Saturday working hours (8-5) which may be necessary at times. He is hoping to sign a one-year

lease right now, with renewals in the future. His old site on Ortiz Avenue was too noisy for residents because at that time he was doing iron/steel structural work. This ornamental work is not as loud. He would also like to keep the doors open if he is not too noisy. Until the Robinette site is developed, noise shouldn't effect any neighbors. He asked if material from the side of the building could be removed to allow for parking. He would also like to install a chainlink fence. Can the small wall near the entrance be removed? He doesn't want to cause a parking problem.

Staff made the following comments: Saturday work, with a 8:00 am start, could be approved until the Robinette site is developed as residential property with appropriate acoustical analysis. This will be added to the conditions along with assessor's parcel numbers. The draft General Plan discusses mixed uses and must take into account the future residential element and noise abatement issues. If the material from the side of the building is clean, then it could be moved to the Robinette site. It was recommended that Mr. Lee speak with Al Saroyan who has already dealt with Union Pacific for an easement. Mr. Lee should also get permission in writing from the property owner to use the adjacent property for parking. He can apply for an amendment to the existing permit when plans are confirmed for this additional parking and fencing.

PETE ERICKSEN (Representing Property Owner George Wilson): He has been involved with this property for approximately 20 years - and it is a tough site due to access issues. There are no windows on the building and he feels it would be very difficult on the workers to not have ventilation - he requests that the door be left open. Access will be problematic, especially at the south end of the property. The 13' right-of-way becomes 9' which is insufficient. Eliminating the wall will give access via Shasta Avenue. Mr. Ericksen distributed data to the City Council from the internet regarding decibel levels. He feels 90 dB will be the noise level of the business, and may reach 100 dB at times. Will this criteria be required throughout Sand City?

Community Development Director Matarazzo reiterated that noise sensitivity in mixed use areas of town will be part of the updated General Plan. Noise levels are usually regulated at property perimeters, not inside the building. Noise and access problems would be considered at a public hearing and staff will work with the property owner to resolve any issues. Revised language for Condition #13 is the following: "A certified acoustical study by a qualified professional, based on the proposed business activities shall be completed prior to the issuance of a zoning permit. Should the acoustical study find that a 60 dB (Ldn) level would be exceeded at the

property line, mitigation measures shall be required in accordance with the study findings to reduce noise levels at the property perimeter to the 60 dB (Ldn) level." In response to a question by Councilmember Kline regarding ventilation, the applicant must meet concerns by the Fire and Police Departments, and meet the current Uniform Building Code requirements. Measures would have to be taken to rectify any problems. The zoning permit will not be issued until the application is signed off by the above-mentioned departments.

8:04 p.m. Floor Closed for Public Comment

Motion to approve CDP #00-03, as amended in Conditions #8 and #13, was made by Councilmember Hubler, seconded by Councilmember Kline. AYES: All members. NOES: None. Motion carried.

AGENDA 9, OLD BUSINESS:

- A. Executive Director Morgan presented the progress report on the proposed lease renewal on a portion of the former Robinette property (APN 011-233-001, 002, 009 & 013) to Monterey Bay Concrete & Supply (David Grimsley). Agency Attorney Heisinger has advised that no action can be taken until the Redevelopment Agency meets certain criteria. A public hearing must be advertised twice in the Monterey Herald, and a report be provided for public inspection. Staff is looking at various alternatives, including putting the lease out to bid and will make recommendations at the next City Council meeting.

Council consensus to continue this item for discussion until the June 6th meeting.

- B. Update on coastal projects was presented by City Administrator Morgan. Ed Ghandour (Monterey Bay Shores) has filed a lawsuit in pursuit of his water rights, including against the City of Seaside. Seaside representatives understand that Sand City has no role in this lawsuit and it is a process that Mr. Ghandour has to go through.
- C. Progress report on Public Works projects, City water project, and other Sand City development projects by City Engineer/Community Development Director. Staff members Morgan, Matarazzo, Kulakow, and Heisinger went to San Francisco this week to meet with the Public Utilities Commission (PUC). The PUC response was less than what staff was hoping for because they are concerned with mixing water rates within the City. They suggested going ahead with the East Dunes and coastal areas that do not currently have service. Consultant Martin Feeney said that the Marina plant may be decommissioned and may allow Sand City to tie into the Fort Ord system with acquisition of the Marina plant. The City Engineer stated that for more than 16 units of water, Cal-Am rates increase

dramatically at over \$1500 per acre foot. He is optimistic that desal rates, at most, will be double CalAm rates. Community Development Director Matarazzo reported that at the end of April the \$35,000 CDBG feasibility grant was approved. Today a phone call was received stating that work could not be started for 2-3 months to allow time to sign and return the grant documents. City can expend their own funds prior to receipt of the CDBG grant moneys. Staff is sending a fax letter and expects a response okaying this arrangement.

Mr. Kulakow reported that one more billing has yet to be sent to CalTrans for the final on the bicycle path project; Don Chapin Company will commence the street work contract on June 6th and only three people showed up at the pre-construction meeting; a change order for street tree planting and crosswalks will be presented at the June 6th Council meeting; and he is still working with the City of Seaside on the Playa/Del Monte intersections awaiting prices from the contractor. Mayor Pendergrass said that the Water District Ordinance No. 96 was tabled last night and public comment was not received because Board member Dave Potter feels an environmental review is required first. Councilmember Wishon is requesting that "pedestrian crossing" be painted on the street at the crosswalks near City Hall. The City Engineer will work with the Police Chief on this issue.

AGENDA ITEM 10, NEW BUSINESS:

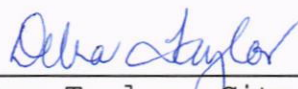
- A. Discussion of the annual League of California Cities conference, Anaheim, September 7th-9th. This was to determine conference attendance to ensure better room rates and availability. Attendees will leave from San Jose on Wednesday, September 6th and return Sunday (10th). To date, the following have agreed to attend: Pendergrass, Kline, Morgan, Matarazzo, and Heisinger.

AGENDA 11, CLOSED SESSION:

- A. It was determined that it was not necessary to adjourn to Closed Session to confer with legal counsel to consider initiating litigation, in accordance with §54956.9 of the Brown Act.

AGENDA ITEM 12, ADJOURNMENT:

- A. Motion to adjourn was made by Councilmember Kline, seconded by Councilmember Blackwelder, to the regular City Council meeting on June 6, 2000, 7:00 pm. There was unanimous Council consensus to adjourn at 8:37 p.m.



Debra Taylor, City Clerk