

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

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

There was no invocation.

Police 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
Sidney Morris, Acting City Attorney
Stan Kulakow, City Engineer
Debra Taylor, City Clerk
Charles Pooler, Associate Planner

AGENDA ITEM 4, COMMUNICATIONS:

- A. Written material distributed to City Council this evening included a draft and final version of the proposed argument in favor of the Sand City proposition on the November ballot (item 9-A).
- B. The floor was opened at 7:02 p.m., but there were no 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 #257, Precision Porsche (Auto Repair), 475-A Olympia Avenue

- (2) CUP #315, Z Center of California (Auto Repair), 366 Olympia Avenue
- (3) CUP #317, Rick's Auto Upholstery (Auto Upholstery), 713 Dias Avenue
- (4) CUP #334, Bob Hayes (Auto Repair), 336 Orange Avenue
- (5) CUP #345, James Obara (Mobile Home), 770 Tioga Avenue
- (6) CUP #370, Economy Cleaners (Dry Cleaners), 840 Playa Avenue
- (7) CUP #378, Carmel Glass Company (Glass Contractor), 613-B Ortiz Avenue
- (8) CUP #388, Sanctuary Rock Gym (Recreation), 1855-A East Avenue
- (9) CUP #392, SK8 Station (Recreation), 1855-B East Avenue
- (10) CUP #396, McDonald's Restaurant (Fast Food), 990 Playa Avenue

- B. There was no discussion of the July 18, 2000 Minutes.
- C. There was no discussion of the City/Redevelopment Agency Financial Statements, June.
- D. There was no discussion of the City **RESOLUTION Authorizing Animal Shelter Services Agreement, FY 2000-2001, with the County of Monterey Health Department**. This contract is valid until June 30, 2001, and the temporary shelter facilities will remain in Marina/Fort Ord.
- E. There was no discussion of the City **RESOLUTION Approving Contribution to Community Partnership for Youth (CPY)**. The City Council agreed to make a \$2000 contribution to this worthwhile youth program.
- F. There was no discussion of the FY 2000-2001 Budget allocation for automobile expense allowance. The monthly stipend for department heads will increase by \$50 per month, for a total monthly amount of \$250.

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

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

No issues.

AGENDA ITEM 7, PRESENTATION(S) :

- A. Presentation by Don Nucci, Common Ground Monterey County, on *Stability and Change in Monterey County* and an overview of Smart Growth principles. This non-profit agency was formed less than one year ago and information is being provided to Councils and commissions to help base land use decisions on facts, not just perceptions. Mr. Nucci presented a 20-minute video on Common Ground that contained the following key points: urban development plans should protect natural resources and have programs that resolve issues related to: 1) demographics and population growth; 2) development, landuse, agriculture; 3) housing needs; 4) roads and highways; and 5) water supply/management.

Mr. Nucci thanked the Council for the opportunity to share this video summary of their report. Solving problems takes everyone's cooperation and they welcome the City's participation and help. Current Common Ground board members consist of representatives from the agriculture, labor, hospitality industries and affordable housing groups.

AGENDA ITEM 8, PUBLIC HEARING(S) :

[Due to a possible conflict of interest by residing within 300' of the project area, Councilmembers Blackwelder and Hubler stepped down from the dais and City Administrator Morgan also declined participation. All joined the audience.]

- A. Associate Planner Pooler presented Conditional Use Permit #408 application by Neal & Gael Owens (property owners), on behalf of R&R Builders who propose to lease and use this commercial yard for storage of construction equipment and materials. Located along the 500 block of Elder Avenue (APN 011-232-012), behind the commercial building at 1714 Contra Costa Street. The project qualifies as a categorical exemption under State CEQA Guidelines, Section 15301, and is located in a non-coastal Manufacturing (M) Zoning district. The storage yard is enclosed by an existing chainlink fence, encompassing 1,700 sq ft. R&R Builders proposed to lease this fenced yard behind the property owner's commercial building, and utilize the yard for the storage of construction materials and equipment. No office use is proposed and very little work will be performed at the storage yard location. Staff recommends limiting on-site activity during the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and Saturdays 10:00 a.m. to 5:00 p.m. The fenced yard has a width of 25' and the front fence is approximately 7' from the Elder Avenue right-of-way line. Staff recommends that the existing fence be moved back to provide a 20' setback from the Elder Avenue property line

to provide two perpendicular on-site parking spaces. In addition to relocating the fence, staff recommends that the fence materials consist of a more attractive wood lattice or other decorative fence style. The project does not require any water credit allocation by the City for the proposed use. Based on the information provided by the applicant, staff finds that the proposed contractor's open storage yard is an acceptable interim use within this existing fenced commercial yard, as conditioned.

7:28 PM Floor Opened For Public Comment

NEAL & GAEL OWENS (Property Owners/Applicants): They do not wish to accommodate the request for new fencing and 20' setback that is set as a condition on this use permit. However, they will remove the barbed wire atop the fence and offered to add vinyl slats to the existing chainlink fence, instead of installing a new wooden fence. There was discussion of the existing setbacks and the applicants presented their own photos of the area depicting how vehicles are currently parked on the property. Most cars are gone by the end of the day. Moving the fence line back won't help or change anything, in their opinion. Mrs. Owens made fence comparisons to A&R Plumbing, and showed her photographs of R&R Builders existing storage site in Sand City which is very tidy compared to a property next door.

Associate Planner Pooler is proposing the 20' depth for parking, allowing tenants to pull into the driveway and be off the Elder Avenue right-of-way. All activity then, would be off the street right-of-way.

RICHARD RUSSO (R&R Builders): If the fence is moved, there is 6½' on each side of the gate and he feels the neighbors will encroach and fill up this space next to the fence with parked vehicles. A&R Plumbing has a full driveway cut into the new curb and gutter being installed instead of just two approaches - they got the entire property line. R&R is new to Sand City and they would like to move onto this preferred property owned by the Owens.

FRANK RUSSO (R&R Builders): They need a 12' gate to maneuver their trailers, and this new fence setback would not make that possible. They offered to upgrade the fence by adding slats, but not to build a whole new decorative fence.

7:45 PM Floor Closed to Public Comment

Community Development Director Matarazzo suggested changing Condition #11 because it is an interim use. Once water is available the CUP will be revisited by Council to determine the status of the CUP in a redevelop-

opment area. Mayor Pendergrass commented that one day sidewalks will be installed and open storage can only be considered an interim use. Councilmembers Wishon and Kline felt the cost of a new fence is unwarranted at this time and that vinyl slats are acceptable. Councilmember Kline feels a wooden fence would be very heavy to swing open/shut and would not be practical. Mr. Matarazzo confirmed that desal water could be available in 2 years, which would trigger Condition #14 giving R&R Builders a total of 3 years use of the property. Changes were made to Condition #14 to include "...public hearing and pending renewal by City Council...for possible expiration...", and change "...shall expire..." to "...may expire..." In clarifying these changes to the CUP, Mayor Pendergrass said that the City cannot speak for the property owners nor the future, so these modifications are being added now. Changes to Condition 11 were also made allowing vinyl slats within the existing fence and no additional setback to be required.

Motion to approve CUP #408, as amended, was made by Councilmember Kline, seconded by Councilmember Wishon. AYES: Councilmembers Kline, Wishon, Pendergrass. NOES: None. ABSTAINED: Councilmembers Blackwelder, Hubler. Motion carried.

[Councilmembers Blackwelder and Hubler returned to the dais, and City Administrator Morgan returned to his seat.]

- B. **FIRST READING: Ordinance Amending Chapter 2.20 of the Municipal Code of the City of Sand City Regarding Conflict of Interest** was presented by City Administrator Morgan. The Political Reform Act requires every local government agency to review its conflict of interest code every two years. Due to revised job titles of existing staff positions, and newly designated staff positions, it was necessary to amend Chapter 2.20 of the Sand City Municipal Code conflict of interest.

7:59 PM Floor Opened for Public Comment

No comments.

7:59 PM Floor Closed to Public Comment

Motion to approve first reading of Ordinance, by title only, was made by Councilmember Hubler, seconded by Councilmember Blackwelder. Roll call vote - AYES: Councilmembers Blackwelder, Kline, Hubler, Wishon, Pendergrass. NOES: None. Motion carried.

AGENDA ITEM 9, OLD BUSINESS:

- A. City Administrator Morgan presented the proposed argument in favor of the November 7, 2000 Municipal General Election proposition to increase the rate of tax on transient occupancies. A revised and finalized version of the argument was distributed this evening. At the July 18th meeting, Council granted approval for submitting a proposition to the Sand City voters to increase the rate of tax on hotel occupancies. The increase will include a range of no less than 8% and no more than 14%. The attached argument in favor must be limited to a total of 300 words and is due at the Monterey County Elections Department by August 7, 2000. The impartial analysis will be written by the City Attorney and is limited to 500 words, due by August 17th. Rebuttal deadline is August 17th and is limited to 250 words.

Motion to approve staff recommendations, as modified, was made by Councilmember Blackwelder, seconded by Councilmember Wishon. AYES: All Councilmembers. NOES: None. Motion carried.

[Due to a possible conflict of interest by living within 300' of the project area, Councilmembers Blackwelder and Hubler stepped down from the dais, and City Administrator Morgan declined participation. All joined the audience.]

- B. City Engineer Kulakow presented the City **RESOLUTION Authorizing the Acceptance of Contract Change Order No. 2 to the Don Chapin Company for Street Improvements for Ortiz & Redwood Avenues and Hickory & Holly Streets, Contract No. 00-01** in the amount of \$50,096. After review of the project it was determined that additional bid item quantities were needed for slurry backfill to the storm drain on Holly (\$9,486), additional aggregate base, asphalt concrete, driveway approach, and water valves (\$40,250). This brings the total contract amount, including both Change Orders, to \$463,824. It was noted that \$125,000 was included in the FY 1999-2000 Budget and another \$300,000 was programmed in the FY 2000-2001 Budget for this street work, so it will be necessary to amend the FY 2000-01 Budget.

Motion to approve Resolution, by title only, was made by Councilmember Kline, seconded by Councilmember Wishon. AYES: Councilmember Kline, Wishon, Pendergrass. NOES: None. ABSTAINED: Councilmembers Blackwelder, Hubler. Motion carried.

[Councilmembers Blackwelder and Hubler returned to the dais, and City Administrator Morgan returned to his seat.]

- C. There was nothing new to report on coastal projects other than the Disposition & Development Agreement (DDA) with King Ventures which is progressing. The Exclusive Negotiating Agreement expires on August 15th and an extension will be presented to the Redevelopment Agency at the next Council/Agency meeting.
- D. City Engineer Kulakow gave a progress report on Public Works projects, City water project, and other Sand City development projects. Mr. Matarazzo and Mr. Kulakow went to the CTC meeting in Lake Tahoe to extend the remaining bicycle path grant funds (\$300,000) for one year. Approval was given via their consent calendar. Staff is proposing using these funds for bike path lighting and erosion control.

AGENDA ITEM 10, NEW BUSINESS:

- A. The video on infill development produced by the Local Government Commission giving a number of examples of residential and commercial infill development was not viewed this evening. Community Development Director Matarazzo will present this video during a future General Plan workshop.

AGENDA ITEM 11, CLOSED SESSION:

- A. It was determined that the City Council/Redevelopment Agency did not need to hold Closed Session to confer with legal counsel to consider initiating litigation, in accordance with §54956.9 of the Brown Act. This item was continued to the August 15th meeting.

AGENDA ITEM 12, ADJOURNMENT:

- A. Motion to adjourn was made by Councilmember Hubler, seconded by Councilmember Kline, to the regular City Council meeting on August 15, 2000, 7:00 pm. There was unanimous Council consensus to adjourn at 8:17 p.m.



Debra Taylor, City Clerk