

MINUTES
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY
OF THE REDEVELOPMENT AGENCY

Regular Meeting – May 7, 2019
5:30 P.M.
CITY COUNCIL CHAMBERS

Mayor Carbone opened the meeting at 5:30 p.m.

The invocation was led by Reverend Jason Yarbrough.

The Pledge of Allegiance was led by Sergeant Michael Mount.

Present: Mayor Mary Ann Carbone
Vice Mayor Blackwelder
Council Member Hawthorne
Council Member Sofer
Council Member Cruz

Staff: Fred Meurer, Interim City Administrator
Vibeke Norgaard, City Attorney
Leon Gomez, City Engineer
Brian Ferrante, Police Chief
Connie Horca, Deputy City Clerk

AGENDA ITEM 4, ANNOUNCEMENTS BY MAYOR AND CITY ADMINISTRATOR

Mayor Carbone announced that her monthly Mayor's report of meetings attended was distributed to the Council, and that extra copies are available to the public. The annual barbeque on May 18, 2019 is approaching, and will be held from 12:00 p.m. to 2:00 p.m.

Interim City Manager Fred Meurer requested that agenda item 6E regarding the increase of legal contingency funds be moved to Item 11, New Business for Council consideration and discussion. He announced that 30 applications were received for the position of City Manager. The recruitment will close on May 10, 2019 and requested that the City Council keep the date of June 18th open between the hours of 2:00 pm-4:00p.m. for a meeting with the recruiter. When the candidates are presented to the Council, the firm would have conducted preliminary background checks of possible candidates and on July 10th interviews will be held throughout the day. He further reported that the South of Tioga (SOT) project is moving forward, and is hopeful that negotiations on the development agreement will be finalized. Staff is researching software that would assist in the management of the SOT project, and should be implemented with commencement of the project. The software will assist with the logistical aspects of planning and community development, asset management, building permits,

and code inspections. The City received an extension from the Coastal Commission for desalination well construction. Cal-Am will be paying for the entire cost of the construction. The Vibrancy Plan should go before the Council at the next meeting and will be used as a guideline for the development of future City approved projects.

AGENDA ITEM 5, COMMUNICATIONS

5:39 P.M. Floor opened for Public Comment.

Public Members Judy Layman and Janice commented on the importance of water to everyone's lives, and that smart voters have expressed their feelings through the election of public officials. CalAm has misled the Monterey Peninsula ratepayers with numerous failed projects to provide new water. Voters question CalAm, with their clever twist and graphs that don't make sense, misleading words, and expenses with high interest rates. In the beginning CalAm has differed the water line maintenance costs through the underground leakage, reflecting an increase of nine (9%) percent during a water emergency, which contributed to the over-drafting of both the Carmel River, and the Seaside Basin Aquifer. Now, Cal Am is trying to make the public believe more misinformation with catchy phrases and high interest rates on their loans. The fact is with the help of the Monterey Peninsula Water Management District and Pure Water Monterey, the Peninsula will finally have 350,000 acre feet of new drinkable water plus an additional 2,258 acre feet coming. The Layman's expressed their support of a regional desalination plant that would share the oceans water with the coastal communities.

Brian Clark, Sand City resident commented that in conversation with Don Davis who is active in the Arts Committee, he expressed his desire to create a more vibrant community. Mr. Clark encouraged the Council to be more open minded and to consider the concept of 'murals' throughout the City. Several cities such as London and Paris have murals throughout their cities that are referred to as 'tag' art. There is a lot of value to this form or 'art' and suggested that the Council explore the big picture through an initiative such as public art. and the creation of murals on the City's existing warehouses and buildings.

5:45 P.M. Floor closed to Public Comment.

AGENDA ITEM 6, CONSENT CALENDAR

- A. There was no discussion of the April 16, 2019 Sand City Council Meeting Minutes.
- B. There was no discussion of the City **Resolution** Amending the Existing Contract with Creegan & D'Angelo for the Remainder of Fiscal Year 2018/2019 for an amount not to exceed \$85,000.
- C. There was no discussion of the City/Successor Agency Monthly Financial Report, March 2019.

- D. There was no discussion of the City **Resolution** Authorizing a Time Extension of the Building Inspection and Plan Check Services Agreement with the City of Monterey to June 30, 2020.
- E. Approval of City **Resolution** Approving an Increase to the Legal Contingency Fund of \$38,000 for Extraordinary Legal Services performed by City Attorney Vibeke Norgaard through June 30, 2019 (this item was pulled for discussion under agenda item 11}
- F. There was no discussion regarding the City **Resolution** Approving the Contra Costa Street and Sidewalk Improvement Project funded by SB1, the Road Repair and Accountability Act of 2017, for Fiscal Year 2019-2020.

Motion to approve the Consent Calendar items 6A-D and 6F was made by Council Member Blackwelder, seconded by Council Member Hawthorne.
AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer.
NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 7, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

Item 6 E was pulled from the consent calendar and considered under item 11, New Business.

AGENDA ITEM 8, PRESENTATION

A. Presentation by City of Monterey Fire Chief Gaudenz Panholzer on Fire Services {10 minutes}

Fire Chief Gaudenz Panholzer presented the fire services provided to the City of Sand City by the Monterey Fire Department. He reported that the emergency services division contains 80 employees. The fire department operates out of six fire stations located throughout the Peninsula and the station that serves Sand City is located at Dela Vina Avenue. The fire department provides contract services to several jurisdictions and has served Sand City for 25 years. Chief Panholzer explained the cost methodology and residential population statistics. Per the contract, the annual increase can never be higher than the CPI-U each year. Sand City averages approximately \$1,524 per call annually. He reported how each fire station is staffed and what they contain such as a fire engine, hoses, rescue equipment, and their purpose in serving the public. The unit located at the Monterey Airport serves the airport specifically to respond to airport calls within two minutes.

In response to Mr. Meurer's inquiry of how much Staff the fire department would lose if Sand City were to terminate the contract, Chief Panholzer replied that the department would not lose any personnel because the

amount that Sand City pays for fire services is minimal to maintain current operations. Mr. Meurer explained the details and history of the contract upon its conception several years ago, how contractual terms were negotiated to include the idea of reducing public safety costs while maintaining or increasing public safety capability on the Peninsula.

Chief Panholzer continued to report on the equipment located at several stations and their functions in serving the public, such as the aircraft boat that responds to coastal calls. Dispatch services are handled by 911 and calls are transmitted according to the station that best serves the zone where the call originated with the City of Seaside responding to large emergencies located in the area due to a mutual aid agreement. He reported on the daily staffing, their hours, number of personnel at each station, and issues regarding overtime.

Mr. Meurer further added to the benefit of the fire services, and explained the balance between what the City wants and can afford. The Chief would present the best set of investments in relation to the affordability of services requested/needed.

Chief Panholzer commented that all personnel have Emergency Medical Training (EMT), which is a requirement of the fire department as well as a paramedic program. Ambulance transport services are provided by American Medical Response (AMR). Calls that would require a higher risk response is determined on the Monterey County computer aided system. He reported on the ambulance contract which is a five year contract with 1 year extensions that expires next year. The County is currently in the process of negotiating a new contract, and the new RFP contains some changes in the language especially pertaining to the staffing of ambulance personnel at various jurisdictions. The Monterey Fire Department works collectively with the Monterey County Fire District, and participates in the Urban Search and Rescue Team to extract people from dangerous situations, and is also trained on hazardous materials response. The incident statistics for Sand City over the course of 5 years depicts that the City has less than 200 calls a year of which 52% were for emergency medical services. The average response time for a unit to reach Sand City is 5.19 minutes with 76.7% at 5:59 minutes, and 90% under 7.0 minutes.

The Fire Captain is responsible for all the training and currently has four individuals in the recruit academy. There is also an on-going training program to keep up with all the required standards. Training is also conducted collectively with Sand City's Police Department, and they are working on a drill for the Independent building. The fire department also conducts building inspections to ensure that businesses and/or buildings meet fire safety regulation standards. There is one part-time emergency services coordinator who works closely with the Monterey County Office of Emergency Services to provide on-going training. Sand City is part of the Office of Emergency Services (OES) located at California State University Monterey Bay. A web based emergency software allows various

jurisdictions and agencies to communicate with one another in the event of an emergency. Classes are provided twice a year for those interested in receiving Community Emergency Response Training (CERT). This program provides community members with the disaster-related knowledge they need to be self-sufficient and to support others, if necessary, until help can arrive. Monterey has a connex building that contains supplies in the event of an emergency. He encouraged people to utilize the reverse 911 that allows notification to individuals in the event of an emergency. The next CERT training will begin on October 24th and is free to anyone. If you graduate, you will receive a green hat and backpack full of supplies.

Mr. Meurer suggested that as the City's population grows, the residents should be encouraged to take part in the training. Fire Chief Panholzer reported on their community outreach efforts, and projects the Fire Fighters Union also conducts, such as movie in the park.

7:04 P.M. Floor opened for Public Comment.

Public Member Brian Clark inquired about cost recovery especially pertaining to the fire that occurred at the McDonalds building. Fire Chief Panholzer remarked that cost recovery depends on the incident. The department would bill back to the responsible party and State law provides specific guidelines.

7:09 P.M. Floor closed to Public Comment.

The Fire Chief further reported on Sand City's Insurance Services Office (ISO) rating which is at 2, with the best overall rating at 1. The Council thanked Fire Chief Panholzer for his informative presentation.

AGENDA ITEM 9, PUBLIC HEARING

A. FIRST READING: ORDINANCE Amending Sand City Municipal Code Section 12.04.010 to Adopt New Engineering Standards {continued from April 16, 2019 Council meeting}

Interim City Manager Meurer commented that the existing engineering standards do not contain the current guidelines our commercial developers would expect of a modern city to provide them so they build the correct things to the precise standards. The City planner, attorney, and engineer have put together a set of engineering standards to express to the designers what can be constructed within the City. It took some time and effort to create because the present standards were out of date. The team has done a great job of creating the new engineering standards. If the Council would like to review the standards, the document can be printed upon request.

City Engineer Leon Gomez reported that before the Council is an updated 2019 City Standards for Sand City to amend Municipal Code Section

12.04.010. City standards provide information on how to design and perform work within the public right-of-way and are guidelines used by design professionals, contractors and builders on how to design, construct, repair, replace, restore, and install an improvement, structure, facility or a portion thereof. City standards are necessary in order to clearly define a set of minimum design, material, and construction standards for new development. City standards are strictly adhered to when performing work within the public right-of-way and help to ensure and maintain a public environment that is safe and conforms to the overall appearance of the city. Historically, the City of Sand City (the city) has utilized engineering standards adopted in 1971 by the neighboring City of Seaside. The City of Seaside adopted revised engineering standards in 1974 (Resolution No. 72-74) and adopted amendments to those standards in 1979 (Resolution No. 79-9). Based on previous and recent discussions with City of Seaside staff, new engineering standards were developed in 2012, 2014-2016, and revisions continue through the present. However, the City of Seaside has yet to formally adopt these new and/or updated standards by resolution.

Due to the ever evolving nature of the engineering, public works, and construction fields, there is a need, from time to time, to adopt new and updated standards for use by the City. As a result, the City Engineer has created new, updated 2019 City Standards consisting of the following sections:

Part I: Design Standards

Part II: Construction Standards

Part III: Standard Drawings

A copy of these standards shall be available for review by members of the public in the office of the City Clerk and also on the city's website.

The City Engineer shall recommend for City Council approval, any new, amended, or revised city standards regarding public works improvements and amendments thereto, which may be approved by resolution of the City Council. The design and construction of all public works improvements within the city shall comply with these standards.

The cost to prepare these standards has been approximately \$35,000.

There was Council discussion regarding the need for the update since the ones being utilized are very outdated, its benefit to the City for consistency and uniformity of development projects, and whether it should be made available on the website. Mr. Gomez mentioned that the City of Salinas provides hard copies of City Standards to developers at a cost of approximately \$40-\$50 dollars. Mr. Meurer commented that the City website is also in need of update and would like to have fillable forms and to be more user friendly.

7:19 P.M. Floor opened for Public Comment.

There was no comment from the Public.

7:19 P.M. Floor closed to Public Comment.

Motion to approve the FIRST READING: **ORDINANCE** by title, amending Sand City Municipal Code Section 12.04.010 to Adopt New Engineering Standards was made by Council Member Hawthorne, seconded by Council Member Sofer. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None.

B. FIRST READING: ORDINANCE Amending Sand City Municipal Code Title 12 Relating to Exemptions from Public Contracts Code and Purchasing Procedures

Interim City Manager Fred Meurer reported that the City did not have a purchasing ordinance that would meet Federal standards and allow the City to spend Federal grant money. Due to the City Attorney's hard work the City now has a purchasing ordinance which has been reviewed by the Budget and Personnel subcommittee for their review and favorable recommendation to the Council

City Attorney Vibeke Norgaard commented that the City currently has a resolution that set forth certain authorization limits and an ordinance that, exempted contracts under \$20,000 from competitive bidding requirements. She explained that the highlights of the ordinance are contained within the staff report. The primary changes include the authorization limits for purchasing and procuring services. Under the current procedures the city manager has authority to award contracts up to \$5,000 which is low compared to other municipalities. The ordinance raises that amount to \$20,000. It further gives the City Manager the power to delegate purchasing authority to the City's department heads. The ordinance raises the amount at which formal bidding is not required. Currently, under the Sand City Municipal Code (SCMC), contracts for public projects must be let to the lowest bidder if the value of the contract is over \$20,000, and the new ordinance would dispense with formal bidding when the value of the contract is less than \$40,000. It would also amend section 12.22.010 of the SCMC that requires most contracts for public works valued at \$40,000 or more shall be by formal written bid, while setting forth certain exceptions. It also allows for an increase of that amount by \$5,000 every 5 years. The new ordinance would also establish an "Open Market" procedure for purchases of \$4,000 to \$40,000. An open market contract is based on at least three (3) informal bids or quotes and is awarded to the lowest responsible bidder, and provides that purchases of less than \$4,000 may be made without informal bids or quotes. The amendment establishes a formal bid procedure and procedure for protesting bids, and complies with Federal law for the use of Federal grant funds. It provides a provision that allows for "Best-value Purchasing" (an alternative to the competitive process when design, performance, aesthetics and similar factors preclude award of a contract solely on the basis of lowest

responsive and responsible bidder). It further establishes conflicts of interest rules, rules prohibiting interfering with bidders, and rules prohibiting City employees accepting certain gifts.

Mr. Meurer added that this would be used as a user's manual for the procedure of purchasing supplies for the City. It allows for the City's workforce to get their work done without looking for the Mayor, and/or Department Head for signatures. Financial accounting will remain the same. It reorients how we think about it, and further allows for the distribution of credit cards to specific personnel.

In response to Council Member Sofer's question on how the purchases would be accounted for, Mr. Meurer remarked that receipts would be turned in to the accounting department so that it can be accounted for and audited.

Mr. Hawthorne commended Vibeke for her work on the ordinance. The Mayor thanked Mr. Meurer for his observation regarding the issue on his second day as Interim City Manager.

7:31 P.M. Floor closed to Public Comment.

There was no comment from the Public.

7:31 P.M. Floor closed to Public Comment.

Motion to approve the FIRST READING: **Ordinance by title**, amending Sand City Municipal Code Title 12 Relating to Exemptions from Public Contracts Code and Purchasing Procedures was made by Council Member Blackwelder, seconded by Council Member Cruz. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None.

C. Consideration of City RESOLUTION Approving Conditional Use Permit 626 for Parcel R2 of the South of Tioga Development Project {this item to be continued to the next Council meeting}

Interim City Manager Meurer reported that consideration of the attached use permit needs to be continued as late information was received by Staff. There are no significant issue's other than Staff was not able to have a final review. He requested that the Council continue the item to the next Council meeting.

Motion to continue the City **Resolution** approving Conditional Use Permit 626 for Parcel R2 of the South of Tioga Development Project to the May 21, 2019 Sand City Council meeting was made by Council Member Hawthorne, seconded by Council Member Sofer. There was consensus of the Council to continue the item.

AGENDA ITEM 10, OLD BUSINESS

A. Engineering and Public Works Department Summary Report comprising of the Sand City Water Supply Project, Storm Water Management Program, City Projects including the West End Stormwater Improvement Project (Prop 1 TA), TAMC Parcel Landscaping Project, Calabrese Park Improvement Project, Prop 68 Grant, Private Development Projects including the South of Tioga Project, and Grant, Community Development, and Planning Department updates by the City Administrator/City Planner

City Engineer Leon Gomez reported that the desalination plant was inoperable for the entire month of April. Production since May 3rd has been 3 acre feet. The shutdown was due to replacement of UV bulbs and other equipment. Staff will meet with Intera to talk about the new wells project, and a summary of desalination plant production will be discussed since January was the last month of decent well production. At the last meeting of the Integrated Regional Water Management Program (IRWMP) Group, the City's West End project for the reconstruction of Contra Costa and Catalina streets ranked 2nd out of 4 projects on the Peninsula. The estimated funding available to the City under the Prop 1 IRWMP implementation program is approximately \$1.8 million. The project as a whole is \$2.7 million. The City would pursue IRWMP funding for Catalina Street, and pursue Proposition 1 implementation funding for the buildup of Contra Costa Street. A meeting is scheduled with the applicant and project engineer of the South of Tioga Project this week to discuss the Phase 1 submittal review. SOT representatives would like to discuss the responses provided by the City. Staff is working on updated exhibits of conceptual improvements for the Calabrese Park project as the result of City Staff identifying improvements that the City would like to realize. A draft of the City's updated encroachment permit is being reviewed due to identification that the current application has been missing and/or lacking some fundamental conditions of protection for the City. The metal building is at the San Juan Pools site is undergoing construction. A site inspection will be conducted to ensure that their BMP's are in place.

Mr. Gomez reported that he met Mr. Garza who is delaying work on his Catalina Lofts projects for a few months due to other projects that he is currently working on in South County and Salinas. Mr. Pooler reported that Mr. Garza was in City Hall yesterday and he requested the postponement of pulling his permits for a few months while he is endeavoring to finish up other projects. His permit application will be kept active, and he still needs to pay his sewer and school district fees. He was advised that new building codes will go into effect next year, and his permit will continue to be active until next year. Mr. Garza informed Staff that he plans to pull permits before the end of the year.

There was Council discussion regarding the unsightly fencing that has been at Mr. Garza's property for many years. Mr. Pooler mentioned that

Mr. Garza explained that the fence needs to remain on the property in order for him to secure insurance on the property.

In response to the Mayor's question regarding the progress of the West Bay Street, Mr. Gomez reported that Staff is working on an immaterial amendment that will need to go to the Coastal Commission for approval. Once that is approved, authorization for a request for bids will go before the Council.

AGENDA ITEM 11, NEW BUSINESS

AGENDA ITEM 6E (this item was moved from Consent Calendar to be discussed under New Business)

Approval of City Resolution Approving an Increase to the Legal Contingency Fund of \$38,000 for Extraordinary Legal Services performed by City Attorney Vibeke Norgaard through June 30, 2019

Interim City Manager Fred Meurer commented that the city attorney has been working overtime on a number of projects that were needed to support the South of Tioga proposed development, the purchasing ordinance, and review of the personnel manual. The city attorney has been working beyond her basic fee retainer and has not charged for her work although she has reported the hours. There is work that still needs to be conducted prior to the end of the fiscal year. The recommendation to move \$38,000 into the legal contingency fund will allow us to appropriately cover the hours needed to finish big projects over the next three months. The staff report indicates the items that will need city attorney services. The Mayor added that she has been working with Ms. Norgaard who has been a big help with the Fort Ord Reuse transition plan. For the last 25 years the former Mayor David Pendergrass was involved in the regional planning of Fort Ord. Mayor Carbone provided a report on Sand City's involvement with FORA, the City Attorney's work on the desalination plant lease, several closed session items, affordable housing issues, and the South of Tioga condemnation issues.

Ms. Norgaard provided an explanation of Sand City's role in the Fort Ord Reuse Authority Transition plan. The Council expressed their appreciation for Ms. Norgaard's work on behalf of Sand City.

7:52 P.M. Floor opened for Public Comment.

There was no comment from the Public.

7:52 P.m. Floor closed to Public Comment.

Motion to approve the City **Resolution** approving an Increase to the Legal Contingency Fund of \$38,000 for Extraordinary Legal Services performed by City Attorney Vibeke Norgaard through June 30, 2019 was made by

Council Member Hawthorne, seconded by Council Member Sofer. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None.

A. Consideration of City RESOLUTION Allowing for the Consumption of Alcoholic Beverages at the Annual City Barbeque to be held on Saturday, May 18, 2019

City Attorney Norgaard reported that the municipal code prohibits consumption of alcohol in specific places, with the exception that the City Council may pass a resolution for a specific place for a specific event to allow the consumption of alcohol. In conversation with other jurisdictions and what they do in this circumstance, their strong recommendation is that the City should look into hiring a professional bartender due to liability concerns. Staff had looked into obtaining a license to serve alcohol but the City did not have a nonprofit tax exempt status and id number. The ordinance states that on these occasions a permit will be issued by the Chief of Police upon application and an affirmative vote by the City Council; however, if a permit were needed, the alcohol beverage commission (ABC) would actually issue the permit. Depending on the legalities of the issue this could mean that alcohol may/may not be served.

There was Council discussion regarding the issuance of drink 'tickets', limiting the number of beverages that can be served per person, who would 'monitor' the amount of alcohol consumed by individuals, and liability issues involved.

8:01 P.M. Floor opened for Public Comment.

Public Member Brian Clark commented that he is fine with the service of a minimum of two drinks.

8:02 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** allowing for the Consumption of Alcoholic Beverages at the Annual City Barbeque to be held on Saturday, May 18, 2019 was made by Council Member Hawthorne, seconded by Council Member Sofer. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

B. Consideration of City RESOLUTION Authorizing the Interim City Manager to Execute a Contract with Liebert Cassidy Whitmore (LCW) to Prepare a Revised Personnel Manual at a cost not to exceed \$15,000

Interim City Manager Meurer commented that the personnel manual is a foundational document that essentially defines the personnel rules in a

way that is consistent with current law. Following review by the City Attorney, it was determined that in order to update the current manual it would take someone with expertise in employment law. The recommendation before the Council would allow the City to contract with the firm of Liebert Cassidy Whitmore for an amount not to exceed \$15,000 to officially rewrite the personnel manual that is consistent with current law.

City Attorney Norgaard added that she can look at, identify, and make minor amendments but does not have sufficient expertise to rewrite the entire manual. Updates would not include changes to employee benefits, and would involve changing the procedures and policies in relation to personnel law.

8:06 P.M. Floor opened to Public Comment.

There was no comment from the Public.

8:06 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** authorizing the Interim City Manager to Execute a Contract with Liebert Cassidy Whitmore (LCW) to prepare a Revised Personnel Manual at a cost not to exceed \$15,000 was made by Council Member Blackwelder, seconded by Council Member Hawthorne. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None.

C. Consideration of City RESOLUTION Authorizing a Service Agreement with Bartel Associates, LLC for Actuarial Consulting Services in an amount not to exceed \$15,000

Interim City Manager Meurer reported that in order to support the City's overall budget preparation and to determine the future cost of Public Employees Retirement System (PERS) actuarial services would need to be performed. Bartel has been providing this service to the City for over 15 years. The resolution would allow Bartel to research estimated figures in relation to the City's revenues, and would allow Staff to project outward expenses for police and miscellaneous Staff so that the 2019-2020 Budget can be developed with more definition.

8:09 P.M. Floor opened for Public Comment.

There was no comment from the Public.

8:09 P.M. Floor closed to Public Comment.

Motion to approve the City **Resolution** authorizing a Service Agreement with Bartel Associates, LLC for Actuarial Consulting Services in an amount not to exceed \$15,000 was made by Council Member Blackwelder,

seconded by Council Member Cruz. AYES: Council Members Blackwelder, Carbone, Cruz, Hawthorne, Sofer. NOES: None. ABSENT: None. ABSTAIN: None.

D. Comments by Council Members on Meetings and Items of interest to Sand City

Council Member Sofer commented on the RV that appears on the dunes. It has been vandalized, is an eyesore at Ghandour's property, obviously a derelict, and needs to be addressed as it can be seen from the highway.

Mr. Pooler reported that the trailer was originally intended to be the construction contractor's office but when the project froze it had been vacant. Staff will contact Mr. Ghandour regarding the RV.

Council Member Hawthorne reported that at the Sand City Arts Committee meeting the subject of murals was discussed. Murals would attract the public, and has become more evident throughout several cities. There are several muralists who have expressed doing something similar in Sand City, and outside funding can be obtained to do this. Committee Members Don Davis and Shelby Hawthorne have been taking pictures to present this idea before the Council. He also reported on his attendance at a TAMC meeting and TAMC expressed their interest in having a bus route through the railroad right of way. This would create a more esthetic appeal to have a transit station at the area.

Council member Cruz attended a TAMC Rail Committee meeting. Several people have approached her and will be meeting one on one with representatives from the TAMC. She also took a ride along with Police Chief Ferrante and was impressed that the Police department knew every single homeless person in the City. It was very interesting and informative, and also witnessed an arrest with someone who had \$197,000 worth of outstanding warrants.

Council Member Blackwelder reported that Seaside sanitation is still in the process of getting rid of the waste created from their last project and the good news is that it is no longer contained in Sand City. The Waste Management District will begin installing cameras on their trash pick-up trucks to help monitor and regulate individuals who are not recycling materials properly. This would help them with enforcement and allow them to instill fines for noncompliance.

E. Upcoming Meetings/Events

There were no RSVP's from the Council.

8:25 P.M. The City Council took a recess.

AGENDA ITEM 12, CLOSED SESSION

8:42 P.M.

A. City Council/Agency Board to adjourn to Closed Session for Conference with Legal Counsel regarding:

- 1) Anticipated Litigation -Consideration of Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4): (1 case)
- 2) Existing litigation (Gov. code section 54956.9(d)(1). case: *Gonzales, III et al. v. Monterey Peninsula Unified; City of Sand City and Dennis Alexander*, Case No. 19CV000828.
- 3) Significant exposure to litigation pursuant Gov. Code section 54956.9(d)(2):(1 case), Claim of Brandon Virtue (deceased), et al

9:40 P.M.

B. Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with 54957.1 of the Ralph M. Brown

- 12A (1): Council directed City Attorney and City Manager to take initial steps towards initiation of litigation with respect to acquiring property by eminent domain.
- 12A (2): Council voted unanimously to decline Dennis Alexander's request that city provide legal representation to Mr. Alexander.
- 12A (3): Council voted unanimously to reject claim for damages filed by the family of Mr. Brandon Virtue.

AGENDA ITEM 13, ADJOURNMENT

There was consensus of the Council to adjourn the meeting at 9:41 p.m. to the next regularly scheduled Council meeting on Tuesday, May 21, 2019 at 5:30 p.m.

Connie Horca

Connie Horca, Deputy City Clerk