

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

Regular Meeting – April 15, 2014
7:00 P.M.
CITY COUNCIL CHAMBERS

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

The invocation was led by Reverend Robert Hellam.

The Pledge of Allegiance was led by Police Chief Michael Klein.

Present: Council Member Blackwelder
Council Member Carbone
Council Member Hubler
Council Member Kruper
Mayor Pendergrass

Staff: Kelly Morgan, Interim City Administrator
Jim Heisinger, City Attorney
Leon Gomez, City Engineer
Michael Klein, Police Chief
Charles Pooler, Associate Planner
Connie Horca, Deputy City Clerk

AGENDA ITEM 4, COMMUNICATIONS

A. Written communications distributed to the Council were an article from the Herald, a staff report regarding police vehicle towing (item 8B), a corrected resolution (item 5H), and closed session materials (item 9B).

B. Oral

Mayor Pendergrass announced the Coastal Commission's decision regarding the Monterey Bay Shores Coastal Resort Project that will be further discussed under closed session. He brought to the Council's attention Consent Calendar Item 5H.

Associate Planner Pooler commented that a handout was provided to the Council regarding Agenda Item 5H regarding Habitat for Humanity. The business is no longer occupying the space at 840-842 Fir Avenue. The attached resolution deletes all references made to Habitat for Humanity and Conditional Use Permit 544.

7:03 P.M. Floor opened for Public Comment.

There was no comment from the Public.

7:03 P.M. Floor closed to Public Comment.

AGENDA ITEM 5, CONSENT CALENDAR

- A. There was no discussion of the March 18, 2014 Council Meeting Minutes.
- B. There was no discussion of the April 4, 2014 Special Council Meeting Minutes.
- C. There was no discussion of the Fort Ord Reuse Authority (FORA) Monthly Report, March 2014.
- D. There was no discussion of the City/Successor Agency Monthly Financial Report, February 2014.
- E. There was no discussion of the Police Department Monthly Report, March 2014.
- F. There was no discussion of the Public Works Monthly Report, March 2014.
- G. There was no discussion of the City **Resolution** approving a Two (2) Year Time Extension of Site Plan Permit 08-01, Design Permit 08-01, and Conditional Use Permit 490 for James Obara and his project at 770 Tioga Avenue.
- H. There was no discussion of the City **Resolution** approving Time Extensions to July 31, 2014 of Multiple Conditional Use Permits (CUPs 450, 503, 508, 527, 532, 533, 540, 541, 544, 533) to continue as interim uses at their respective locations within the South of Tioga Area (*CUP 554 was withdrawn by Staff and not extended because the Habitat for Humanity business has moved from the area*)
- I. There was no discussion of the City Donation/Contribution to the LOCC Statewide Local Roads and Streets Needs Assessment Funding for \$150.
- J. There was no discussion of the status report regarding Permits (CUP 579 & CDP 14-01), 90-Day Trial Period Review of Jump-N-Around Recreational Business at 880 Tioga Avenue.

Motion to approve the Consent Calendar items A-G, I&J, and Item H as amended, was made by Council Member Blackwelder, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled from the Consent Calendar.

AGENDA ITEM 7, OLD BUSINESS

A. Progress report on Public Works projects, South of Tioga Redevelopment project, Coastal projects, and other Sand City community programs by City Engineer/Community Development Director/City Administrator

City Engineer Leon Gomez reported that the desalination plant produced 18.10 AF for the month of March with a total of 6 non-production days due to scheduled maintenance, valve replacement, and 1-2 days of high brine conductivity. The plant has been operable every day in April with 13.05 AF of water being produced through April 14th. Cal-Am is currently in negotiations with the lowest bidder for rehabilitation of Tioga well #5, and plans to begin the work within the next 30 days. Mr. Gomez distributed a letter to the Council regarding a report that a milky white discharge was coming from the City's storm drain on Ortiz Avenue. He reported that Staff conducted a visual inspection on March 20, 2014, and notified the business owner of the prohibited discharge as mentioned under Chapter 13.05.060 of the City's municipal code. The letter explained to the business owner that the City is required by the State Water Resources Control Board to report, detect and eliminate any illicit discharges. He also explained to the Council the process of moving forward into the enforcement phase. Mr. Gomez concluded by reminding the Council of the upcoming Post-Construction Workshop to be held on Thursday, April 17th, featuring Dan Cloak as the guest speaker.

Interim City Administrator Kelly Morgan reported that the City received invoices for the on-going dispute between Sand City and the City of Seaside. Legal expenses for this dispute have totaled approximately \$225,000 as of April 2014.

Associate Planner Charles Pooler reported that the City received applications from Woodman Development Company for development of property that is currently occupied by Peninsula Fence Company. The Public Hearing is scheduled for the second meeting in May. Pacific Municipal Consultants (PMC) has completed the initial environmental study. Results of the environmental study should be available next week. The developer will be holding a public meeting on Wednesday, April 23rd at 6:00 p.m. to present the proposed residential project. Residents living within the area have been invited to attend the presentation.

In response to Mayor Pendergrass' question whether Staff has received drawings of the proposed project; Associate Planner Pooler responded that the renderings are available at City Hall.

B. Consideration of Successor Agency Resolution approving the Amendments to the Long Range Property Management Plan (LRPMP) in response to Comments Received from the State Department of Finance in their Review of the previously submitted LRPMP

City Attorney Jim Heisinger reported that the Successor Agency approved the Long Range Property Management Plan (LRPMP) in January, 2014 and approved by the Oversight Board with several modifications in February, 2014. Following approval by the Oversight Board the LRPMP was submitted to the Department of Finance (DOF). In March, the City received a spreadsheet from DOF showing deficiencies in the plan. Several items of information were missing from the plan, and the City's planning Staff was assigned the task of filling in the missing information. Due to time constraints, the Interim City Administrator was able to confirm that we had more time for the re-submittal of the revised LRPMP. This would allow Staff the necessary time to review and complete any missing information and to address any technical issues.

Mayor Pendergrass suggested that this item be pulled from the Agenda and scheduled for a future meeting. There was Council consensus to remove the Successor Agency Resolution approving the Amendments to the Long Range Property Management Plan (LRPMP) in response to Comments Received from the State Department of Finance in their Review of the previously submitted LRPMP to a future meeting.

AGENDA ITEM 8, NEW BUSINESS

A. Consideration of Successor Agency Resolution approving an Administrative Budget for Fiscal Year July 2014 through June 2015

Interim City Administrator Kelly Morgan reported that the Administrative Budget is self-explanatory and recommends approval of the attached resolution.

Motion to approve the Successor Agency **Resolution** by title, approving an Administrative Budget for Fiscal Year July 2014 through June 2015 was made by Agency Member Kruper, seconded by Agency Member Carbone. AYES: Agency Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

B. Progress Report by Police Chief Michael Klein on Sand City's Towing Practices/Policies

Police Chief Michael Klein reported that Sand City's policies and procedures emulate what is outlined in the California Vehicle Code, and he is confident that the City's towing practices are adequate and appropriate. He requested that the City Attorney review the City's towing procedures and practices prior to sending a response to the LULAC letter received from District Director Carlos Ramos.

City Attorney Jim Heisinger commented that the Chief was kind enough to provide information regarding the State law, Lexipol rules, and basic research on the issue. A full report will be provided to the Council at a future meeting.

As requested by Interim City Administrator Kelly Morgan, Chief Klein explained to the Council the process of what happens when a police officer makes a vehicle stop, and reasons that justify why the vehicle would need to be towed.

Mayor Pendergrass directed Staff to send a letter in response to the LULAC letter received.

C. Upcoming Meetings/Events

There were no RSVP's from the Council.

AGENDA ITEM 9, CLOSED SESSION

7:29 P.M.

A. City Council /Agency Board to adjourn to Closed Session:

1) To confer with Legal Counsel regarding pending litigation in accordance with Government Code Section 54956.9(d)(1):

- a) Monterey Peninsula Water Management v. State Water Resources Control Board (No. M102101), and related cases*
- b) Seaside v. Sand City (No. M120996) and related cross action*
- c) Seaside v. Sand City (King Ventures) (No. M126354)*

**B. Conference with Labor Negotiator Pursuant to Government Code Section 54957.8, Unrepresented Employee: Prospective City Administrator
City Negotiator: Interim City Administrator Kelly Morgan**

8:08 P.M.

C. 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 Act

The Council received a report from Legal Counsel on litigation matters (Agenda item 9A) and a report from its Labor Negotiator (Agenda item 9B). No action was taken.

AGENDA ITEM 10, ADJOURNMENT

There was Consensus of the City Council to adjourn the meeting to the next regularly scheduled Council meeting on Tuesday, May 6, 2014 at 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:09 p.m.



Connie Horca, Deputy City Clerk