

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

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Regular Meeting – April 17, 2012  
7:00 P.M.  
CITY COUNCIL CHAMBERS

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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: Steve Matarazzo, City Administrator/Community Development Director  
Jim Heisinger, City Attorney  
Richard Simonitch, City Engineer  
Linda Scholink, Director of Administrative Services/City Clerk

**AGENDA ITEM 4, COMMUNICATIONS**

A. Written communication distributed to the Council was a list of possible conflicts for tonight's meeting, and an updated proposal regarding the Next Generation Emergency Radio Equipment (Agenda item 8A).

B. Oral

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

Commercial Real Estate Broker, Pete Ericksen commented that he has 3 people with pending use permit applications, one of which has been waiting for four weeks, and does not know whether he will receive approval. It is difficult to hold onto prospective tenants and landlords that do not like to wait. It would be helpful if some form of procedure were available to assist in notifying the tenants of what to expect. He would

like to know if he can receive some sort of feedback within a shorter timetable. Tenants are hard to find and going for five weeks without communication is difficult.

7:06 P.M. Floor closed to Public Comment.

## AGENDA ITEM 5, CONSENT CALENDAR

Mayor Pendergrass commented that Agenda Item 5 F will be pulled for separate consideration due to a possible conflict of interest.

The Consent Agenda consists of routine items for which City Council approval can be taken with a single motion and vote. A Council member may request that any item be placed on the Regular Agenda for separate consideration.

- A. Conditional Use Permits (CUP) and Coastal Development Permits (CDP) 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. There was no discussion regarding the following use permits.
  - (1) CUP #216, Skips Auto Parts (*formerly Integrity Automotive*) (machine shop), 371 Orange Avenue
  - (2) CUP #246, Inter-city Manufacturing (manufacturing), 501 Redwood Avenue
  - (3) CUP #253, Barry Hartzell Auto (automotive), 510 & 520 California Avenue
  - (4) CUP #390, The Gardner's Friend (office / storage), 605 Redwood Avenue
  - (5) CUP #504, Detail Associates (wholesale), 679-B Redwood Avenue
- B. There was no discussion regarding the approval of the Sand City Council Special Meeting Minutes, March 23, 2012.
- C. There was no discussion regarding the acceptance of the Public Works Monthly Report, March 2012.
- D. There was no discussion regarding the acceptance of the Police Department Monthly Report, March 2012.
- E. There was no discussion regarding the approval of the City Resolution to accept the 2012 Safety Improvement Program and authorizing the expenditure of up to \$25,000 during the next fiscal year to assist in its implementation.
- F. Consideration of City Resolution to deny Conditional Use Permit 543 and Coastal Development Permit 12-02 for a Specialized Automotive Service at 1807 Contra Costa Street. {This item continued from the April 4, 2012 Council Meeting} This item was pulled due to a possible conflict of interest, and considered under Agenda Item 6A.

Motion to approve the Consent Calendar items 5 A-E was made by Council Member Blackwelder, seconded by Council Member Hubler. 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

*{Council Members Blackwelder and Hubler stepped down from the dais due to a possible conflict of interest by residing within 500' of the proposed project}*

Mayor Pendergrass commented that the following item is presented before the Council denying a use permit and development permit at 1807 Contra Costa Street.

7:07 P.M. Floor opened for Public Comment.

There was no comment from the Public.

7:07 P.M. Floor closed to Public Comment.

- F. Motion to approve the City **Resolution** to deny Conditional Use Permit 543 and Coastal Development Permit 12-02 for a Specialized Automotive Service at 1807 Contra Costa Street was made by Council member Kruper, seconded by Council Member Carbone. AYES: Council Members Carbone, Kruper, Pendergrass. NOES: None. ABSENT; None. ABSTAIN: Council Members Blackwelder and Hubler. Motion carried.

*{Council Members Blackwelder and Hubler returned to the dais}*

#### AGENDA ITEM 7, OLD BUSINESS

- A. City Engineer Richard Simonitch reported that he received a mid-month status report from Cal-am showing water production is at 15AF, and on target. A field meeting with P.G & E. was held earlier today regarding the street light at 600 Ortiz Avenue. An electrician may need to be hired to install a timer. The City will be responsible for the maintenance of the lights. In addition, a meeting was held with the Chief of Police to discuss the options of replacing the current street lights throughout the City with LED lights.
- B. City Administrator Steve Matarazzo reported that this new Recognized Obligations Payment Schedule takes into account some bond payments the Redevelopment Agency made prior to terminating. This is reflected in items 1 & 2 in the revised ROPS. The ROPS was also sent to the Department of Finance, the State Controller's Office and the Auditor-Controller as required by law. The Department of Finance reported that they received approximately 450 ROPS from agencies throughout California.

Council Member Kruper pointed out that the language on the Agenda needs to be changed to reflect that the Redevelopment Agency is no longer recognized.

Motion to approve City Resolution by title, of the City of Sand City, serving as the Successor Agency to the former Redevelopment Agency, approving an amended Recognized Obligations Payment Schedule (ROPS) for January 2012 through June 2012 was made by Council Member Hubler, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES; None. ABSENT: None. ABSTAIN: None. Motion carried.

## AGENDA ITEM 8, NEW BUSINESS

- A. Police Chief Michael Klein reported that the Next Generation Radio System (NGEN) originated from the 911 incident that did not allow agencies to communicate during an emergency. Monterey County has taken the lead in developing a program with the company that provides equipment for emergency communications with fire departments and other agencies. The system would allow County and State agencies the ability to communicate more effectively in the event of a disaster. The costs for this system are included in the agenda packet with several options for financing. The Council should keep in mind that Sand City's cost may seem high; however, other cities are paying an even greater amount.

There was Council discussion on the options of financing the emergency equipment, and the figure represented is a not to exceed amount. Staff will present an agreement at a future Council meeting.

7:21 P.M. Floor opened for Public Comment.

There was no comment from the Public.

7:21 P.M. Floor closed to Public Comment.

Motion to approve City Resolution by title, of the City of Sand City to approve financing for the Next Generation (NGEN) Emergency Radio Equipment for Public Works and the Police Department at a cost not to exceed \$28,000 per year for 5 years was made by Council Member Blackwelder, seconded by Council Member Carbone. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- B. City Attorney Jim Heisinger stated that the revised ROPS shows new figures and takes into consideration the bond payments that were made. The first meeting of the Oversight Board will be scheduled for some time next week. The City is still waiting on AB1585 Legislation that would clean up some of the issues.

City Administrator Steve Matarazzo reported that a primary reason that AB1585 is being stalled is that Senator Steinberg wants to retain the low to moderate income funds to help fill the State deficit. The City of Marina's Oversight Board meeting yesterday took 3 hours, and their ROPS was approved. Sand City's Oversight Board consists of the City Administrator, Director of Administrative Services, Public Member Jerry Lomax, County Office of Education Board member John McPherson, District Supervisor Jane Parker, Community College Representative Steve Ma, and the County Library Representative is still pending. The Oversight Board meeting is scheduled for next Friday.

- C. The City Clerk confirmed RSVP's to the MCBC Business Luncheon on Friday, April 27, 2012 at Bayonet & Blackhorse. The Water District will also be making a presentation to Sand City on Tuesday, May 15.

#### AGENDA ITEM 9, CLOSED SESSION

7:33 P.M.

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

1) To confer with Legal Counsel regarding pending litigation in accordance with Section 54956.9(a) of the Ralph M. Brown Act,

- a) *Monterey Peninsula Water Management v. State Water Resources Control Board (No. M102101), and related cases*
- b) *Security National Guaranty, Inc. v. California Coastal Commission*
- c) *Sierra Club v. MPWMD (SNG as real party in interest)*
- d) *Cal-Am Application to CPUC No. 10-04-019 for Order Authorizing Recovery of Costs for Lease and operation of the Sand City Desalination Facility*

2) To confer with Legal counsel regarding significant exposure to litigation pursuant to Section 54956.9(b) of the Ralph M. Brown Act (1 case).

8:15 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 Act

The City Attorney reported that the Council took action based on facts, advise received and circumstances presented by the City Attorney to consider Item 9-2.

#### AGENDA ITEM 10, ADJOURNMENT

Motion to adjourn the Council meeting was made by Mayor Pendergrass, to the next regularly scheduled Council meeting on May 1, 2012 at 7:00 P.M. There was unanimous consensus of the Council to adjourn the meeting at 8:15 P.M.

  
Linda K. Scholink, City Clerk