

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – October 4, 2011
7:00 P.M.
CITY COUNCIL CHAMBERS

Mayor Pendergrass opened the meeting at 7:00 p.m. He welcomed everyone to the City Council meeting of October 4, 2011.

The invocation was led by Reverend Carl Kelleher.

The pledge of allegiance was led by Police Chief Michael Klein.

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

Staff: Steve Matarazzo, City Administrator/Community Development Director
Chris Campbell, Acting City Attorney
Richard Simonitch, City Engineer
Linda Scholink, Director of Administrative Services/City Clerk

AGENDA ITEM 4, COMMUNICATIONS

The Mayor began communications by welcoming Chris Campbell, who was filling in for City Attorney Jim Heisinger. He also stated that Item 10-2, the employee performance evaluation of City Administrator is being continued to the Oct 18th meeting. He added that agenda item 7A will be continued due to the applicant not receiving the information he needs from the Water District.

A. Written communications distributed this evening included the list of possible conflicts of interest for the October 4, 2011 meeting, a revised resolution for street work with Granite Rock and/or Pavex (agenda item 5E), and a revised resolution executing a water assignment agreement (agenda item 5F).

B. Oral

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

Jim Vossen, President of the Seaside/Sand City Chamber of Commerce, thanked the Council for their invitation to join them at the Leadership Luncheon

last week. He reported that the Seaside/Sand City Chamber is doing well, and the next meeting will be October 12th. Everyone is invited.

7:05 P.M. Floor Closed to Public Comment.

AGENDA ITEM 5, CONSENT CALENDAR

Mayor Pendergrass pulled item 5F due to a possible conflict of interest and explained 5F would be moved to agenda item 6A.

- A. There was no discussion of Sand City Council Meeting Minutes, September 13, 2011.
- B. There was no discussion of the Fort Ord Reuse Authority (FORA), September, 2011.
- C. There was no discussion of the City/Redevelopment Agency Financial Report for July, 2011.
- D. There was no discussion of the City **RESOLUTION** Appointing a Representative to the Monterey County Integrated Waste Management (MCIWM) Task Force.
- E. There was no discussion of City **RESOLUTION** Awarding a Construction Contract to Granite Construction and/or Pavex for Certain Street Repair Work.
- F. Moved to agenda item 6.

Motion to approve the Consent Calendar was made by Council Member Kruper, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

{Council Members Hubler and Kruper stepped down due to a possible conflict of interest by residing within 500' of the subject property}

The Mayor explained that the next item is the Resolution granting the City Administrator authorization to execute a water assignment agreement and assign water to the Community Garden Area.

7:07 P.M. The floor was opened to Public Comment.
There were no comments.

7:07 P.M. The floor was closed to Public Comment.

The City Administrator added; this permit required a water budget be performed. Based on his calculations, he concluded that the community water garden could use up to .07 acre feet per year of water, but the resolution gives a range from .07 acre-feet to .20 acre-feet, depending on how the Water District may adjust his calculations.

- F. Motion to approve City **RESOLUTION**, (by Title only) Granting the City Administrator authorization to Execute a Water Assignment Agreement and Assign Water from the Sand City Water Entitlement to Assessor Parcel Number 011-194-001 (Community Garden) was made by Mayor Pendergrass, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Council Members Hubler and Kruper. Motion Carried.

{Council Members Hubler and Kruper returned to the dais}

AGENDA ITEM 7, PUBLIC HEARING

- A. Mayor Pendergrass repeated, as stated during "communications", that item 7A is scheduled to be continued since the applicant has not finalized with the Water District how much water is needed for his business.

Motion to continue City **RESOLUTION** Approving Conditional Use Permit 529 allowing a Stone and Tile Business at 652 Redwood Avenue to the October 18th Council meeting was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried

AGENDA ITEM 8, OLD BUSINESS

The City Engineer reported the September production report for the desalination plant should be around 20 acre feet, and the plant has been down for 6 days for routine cleaning; he added that he was happy with the production data. The cleaning that was done is usually performed about once a year. The plant was designed to produce approximately one acre foot per day, which allows for 65 down-time days in a year.

The Coastal Pedestrian/Bicycle Interconnect project should begin construction within a week or two. The base rock for the corporation yard should be coming soon. The City Engineer reported to the Council that he has been working on the lengthy annual storm water report. The first draft is due for submittal this month and in final form by mid November.

Council Member Kruper asked the City Engineer to notice the surrounding businesses before the big trucks begin the construction process. The City Engineer responded that it is the contractor's duty to make the appropriate businesses aware of the new construction; but that he will follow up with the contractor.

The City Administrator stated that Cal-Am is going through a rate case with the PUC

regarding our lease, and there has been a proposed decision that Cal-Am should not get reimbursed at all. According to Rob McLean of Cal-Am, they are making progress on the rate case, and it has been continued for at least a month.

AGENDA ITEM 9, NEW BUSINESS

- A. The Chief of Police reported to the City Council this item was a house keeping item. He presented the agreement between the City of Sand City and the County of Monterey for Operational Memorandum of Understanding and Mutual Non-Disclosure and Confidentiality Agreement for agencies that access the Monterey County emergency communication's computer aided dispatch system. He stated that the implementation of this agreement is vital to the continuance of current and future public safety communications as it relates to the 2013 implementation of NGEN, the Federally mandated new generation narrow banding of radio communications.

In order to insure that all participating agencies handle information receive through the mobile data communications system correctly, an operational Memorandum of Understanding and mutual non-disclosure and confidentiality agreement for agencies was developed through County 9-1-1. The employees of agencies that signed the master agreement for the maintenance and operation of the mobile data communications system will have access to confidential 9-1-1, medical, fire and law enforcement dispatch information; and thus, all parties utilizing the mobile data communications system must comply with applicable laws, policies and procedures as outlined in the Memorandum of Understanding. There are no additional costs incurred through the signing of this operational Memorandum of Understanding.

Motion to approve City **RESOLUTION**, (by Title only) approving the Agreement between the City of Sand City and County of Monterey for Operational Memorandum of Understanding and Mutual Non-disclosure and Confidentiality Agreement for Agencies that access Monterey County Emergency Communications Computer Aided Dispatch (CAD) System and Authorizing the City Administrator and Chief of Police to Execute Agreement on behalf of City was made by Council Member Carbone, seconded by Council Member Kruper. AYES: Council Members Blackwelder, Carbone, Hubler, Kruper and Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- B. The City Clerk requested RSVP's to upcoming events and meetings.

AGENDA ITEM 10, CLOSED SESSION

It was determined there was not a need for closed session.

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

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

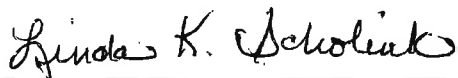
- a) *CalAm v. Seaside*
- b) *Monterey Peninsula Water Management v. State Water Resources Control Board (No. M102101), and related cases*
- c) *Security National Guaranty, Inc. v. California Coastal Commission*
- d) *Sierra Club v. MPWMD*
- e) *Decker v. Schumer (King), (No. BC 432289)*
- f) *California Redevelopment Association v. Matsantos (California Supreme Court)*

2) Regarding Public Employee Performance Evaluation, pursuant to Section 54957 of the Ralph M. Brown Act, position: City Administrator

B. The City Council/Agency Board Readjourn 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.

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn the meeting was made by Council Member Kruper, seconded by Council Member Blackwelder, to the next regularly scheduled Council meeting on October 18, 2011 at 7:00 PM. There was unanimous consensus of the Council to adjourn the meeting at 7:21 p.m.



Linda K. Scholink, City Clerk