

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

CITY COUNCIL CHAMBERS
REGULAR MEETING JUNE 6, 2006
7:00 P.M.

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

Invocation was led by Reverend Snyder

Police Chief Klein led the Pledge of Allegiance

Present:

Council Member Blackwelder (excused absence)
Council Member Carbone
Council Member Hubler
Council Member Morris
Mayor Pendergrass

Staff:

Kelly Morgan, City Administrator
Steve Matarazzo, Community Development Director
J. Michael Klein, Police Chief
Jim Heisinger, City Attorney
Richard Simonitch, City Engineer
Connie Horca, Deputy City Clerk

AGENDA ITEM 4, COMMUNICATIONS

- A. Written communication distributed to Council included a notice of volunteers needed for Monterey County Food Bank community outreach, League of California Cities AB 2987 Bill and a Newsletter Publication: Wal Mart Watch

Mayor Pendergrass requested that item **8A Preliminary Review of FY 2006-07 Combined City/Redevelopment Agency Budget** be pulled for continuation to the next Council meeting on June 20, 2006 to allow Budget Committee review before Council consideration.

City Administrator Kelly Morgan also requested that agenda item **5A Receipt and Approval of May 16, 2006 Council Meeting Minutes** be pulled from the agenda to be continued to the June 20, 2006 Council meeting for additional revisions and corrections.

7:07 p.m. Floor opened to Public Comment

- B. Mr. Gene Chaboya from the Monterey County Food Bank addressed the Council regarding volunteers for the Food Bank Community Outreach. The Food Bank is currently recruiting volunteers twenty-one years or older to help distribute food on Tuesday, July 20th from 8:30 am to 11:30 am, at LaSalle Street and invited the Council members and City Staff to participate in this community outreach event. Mr. Chaboya distributed additional information on the Family Market which caters to low-income families.

7:14 p.m. Floor closed to Public Comment

Council Member Morris requested the following consent calendar items 5E, G(1), G(3), L, & M be pulled and considered under agenda item 6.

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 Council member may request that any item be placed on the Regular Agenda for separate consideration.

- A. Receipt and Approval of May 16, 2006 Council Meeting Minutes
This item was pulled for continuation to the June 20, 2006 Council Meeting
- B. There was no discussion of Monthly Fort Ord Reuse Authority (FORA) Report, May 2006
- C. There was no discussion of Monthly City/Redevelopment Agency Financial Reports, April 2006
- D. There was no discussion of City **RESOLUTION** Calling for November 7, 2006 General Municipal Elections
- E. Approval of City **RESOLUTION** Authorizing Renewal of a Maintenance Services Agreement with Hope Rehabilitation Services
This item was pulled from consent and considered under agenda item 6
- F. Approval of City **RESOLUTION** Authorizing Renewal of Animal Shelter Services Agreement with the County of Monterey Health Department
This item was pulled from consent to be continued to the next fiscal year
- G. Approval of City **RESOLUTIONS** Authorizing Renewal of the Agreements with the City of Monterey for:
 - 1. Fire Service
This item was pulled from consent and considered under agenda item 6

2. There was no discussion of Building Safety and Inspection Service
 3. Street Sweeping Service
This item was pulled from consent and considered under agenda item 6
 4. Vehicle Maintenance and Fuel Service
This item was pulled from consent to be continued to the June 20, 2006 Council Meeting
- H. Approval of City **RESOLUTION** Authorizing Renewal of an Agreement for Police Backup Services between the City of Seaside and the City of Sand City
This item was pulled from consent to be considered at a future council meeting. Police Chief Klein reported that this resolution is still pending approval by the City of Seaside
- I. There was no discussion of City **RESOLUTION** Authorizing Fourth Extension of a Service Agreement for Civic Center Planning and Preliminary Design Studies with David Martin AIA
- J. There was no discussion of City **RESOLUTION** Authorizing and Designating the Monterey Regional Waste Management District to File a Grant Application, and to Receive and Expend Department of Conservation City/County Payment Program (SB 332) funds on Behalf of the City of Sand City
- K. Approval of City **RESOLUTION** Approving a Contract with Pacific Municipal Consultants for Planning Review and Grant Procurement/Administration Services for Fiscal Year 2006-07
This item was pulled from consent and considered under agenda item 6
- L. Denial of Claim Form by Amber Leslie filed 5/11/2006
This item was pulled from consent and considered under agenda item 6
- M. Approval of City Donations/Contributions
- 1) Monterey County Film Commission
This item was pulled from consent and considered under agenda item 6

Motion to approve the Consent Calendar items 5 B, C, D, G(2), I, J, was made by Council Member Carbone, seconded by Council Member Morris. AYES: Council Members Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: Council Member Blackwelder. ABSTAIN: None. Motion Carried.

6. CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

Agenda Item 5 E. Chief Michael Klein reported on the City RESOLUTION Authorizing Renewal of a Maintenance Services Agreement with Hope Rehabilitation Services. The new contract is acceptable, and this new crew has performed better under the general supervision of the Public Works Foreman. They have been given a general checklist of projects, and assigned to general areas in and around the City. Due to some physical limitations of the Hope crew, they are not able to perform a majority of the public works duties; but they are accomplishing much of the smaller tasks, such as litter removal, cleaning and light maintenance of landscaping, streets and other public areas.

Motion to approve **City RESOLUTION Authorizing Renewal of a Maintenance Agreement with Hope Rehabilitation Services** was made by Council Member Carbone, seconded by Council Member Hubler. AYES: Council Members Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: Council Member Blackwelder. ABSTAIN: None. Motion Carried.

City Administrator, Kelly Morgan pointed out that the agreements and contracts that appeared on this agenda, are all agreements that come up on a annual basis, and need to be considered for renewal by the Council.

Agenda Item 5 G(1). City Administrator, Kelly Morgan commented on the City RESOLUTION Authorizing an Extension of the Fire Services Agreement between the Cities of Monterey and Sand City. This contract with the City of Monterey has been an on-going contract for the past ten years. The building inspection service with the City of Monterey, along with the Fire Department, are involved in reviewing building plans for proposed projects.

Council Member Morris stated that he wanted this item to be voted on due to the large amount of \$228,731.

Motion to approve **City RESOLUTION Authorizing an Extension of the Fire Services Agreement between the Cities of Monterey and Sand City** was made by Council Member Carbone, seconded by Council Member Hubler. AYES: Council Members Carbone, Hubler, Morris, Pendergrass. NOES: none. ABSENT: Council Member Blackwelder. ABSTAIN: None. Motion Carried.

Agenda Item 5 G(3). Chief Michael Klein reported on City RESOLUTION Authorizing Renewal of the Street Sweeping Agreement with the City of Monterey. The City of Monterey has been contacted to sweep additional streets, which would include all the streets within Sand City, once a week. It was suggested that the City advertise the day and time of these sweepings so that people through voluntary compliance will remove their vehicles from the street. The sweepings would take place every Tuesday evening from 11:00 p.m. to 6:00 a.m.

Council Member Carbone asked if the notice was mailed out and residents had sufficient notice of sweeping hours, how would the City address the homes who have no off-street parking?

Chief Klein commented that the parking issues are being addressed with the parking committee. A viable solution would be to leave a courtesy notice to vehicle owners advising them of the sweeping and requesting them to comply. If this solution does not work, there is no real remedy except to cite the vehicle owner per the parking ordinance.

Motion to approve **City RESOLUTION Authorizing Renewal of the Street Sweeping Agreement with the City of Monterey** was made by Council Member Hubler, seconded by Council Member Carbone. AYES: Council Members Carbone, Hubler, Morris, Pendergrass. ABSENT: Council Member Blackwelder. NOES: None. ABSTAIN: None. Motion Carried.

Agenda Item 5K. Community Development Director, Steve Matarazzo reported on City RESOLUTION Approving a Contract with Pacific Municipal Consultants for Planning Review and Grant Procurement/Administration Services for Fiscal Year 2006-07. PMC has proven to be a reliable and professional consulting firm. They assist us in reviewing major projects and the City is invoiced only for work they actually do. PMC has never exceeded their budget and has done a great job on our water grant application.

Motion to approve **City RESOLUTION Approving a contract with Pacific Municipal Consultants for Planning Review and Grant Procurement/Administration Services for Fiscal Year 2006-07** was made by Council Member Hubler, seconded by Council Member Morris. AYES: Council Members Carbone, Morris, Hubler, Pendergrass. ABSENT: Council Member Blackwelder. NOES: None. ABSTAIN: None. Motion Carried.

Agenda Item 5L. City Administrator, Kelly Morgan reported on the Denial of Claim of form submitted by Amber Leslie on 5/11/2006. This claim will be submitted to Monterey Bay Area Self Insurance Authority (MBASIA) for processing.

Council Member Morris requested this item be discussed, due to language contained in the denial letter to Ms. Leslie. The concern was that the letter mentions the Council has considered this claim.

City Attorney, Jim Heisinger commented that the form letter can be changed. The procedure would include that the claimant has six months to present a claim, once presented the City Council may accept or reject the claim. A factual investigation is normally conducted by Monterey Bay Area Self Insurance Authority (MBASIA). The adjuster would report to the City the outcome of the investigation for further action.

Mayor Pendergrass stated that this is a draft letter subject to Council's action and will be sent to Ms. Leslie explaining the claim process.

Council Member Morris replied that he would like to clarify the language "*considered by City Council*".

Jim Heisinger, City Attorney suggested if the Council would like to change the procedure, it would need to go to close session for consideration.

Mayor Pendergrass commented that it would not be necessary, since this claim would already be submitted and released to the claims adjuster for investigation.

Motion to **Deny Claim Form by Amber Leslie filed on 5/11/2006** was made by Council Member Hubler, seconded by Council Member Carbone. AYES: Council Members Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: Council Member Blackwelder. ABSTAIN: None. Motion Carried.

Agenda Item 5M. Approval of City Donations/Contributions to the Monterey County Film Commission. Council Member Morris questioned what benefit the City actually receives from the film commission.

City Administrator, Kelly Morgan, reported that the Film Commission is similar to an Economic Development Body supported by allocations from Monterey County and other cities. They have a small staff with several volunteers who get the word out about the Monterey Peninsula. The previous donation of \$750 was a one-time event donation, not Sand City's annual contribution.

Council Member Hubler stated that due to Council Member Blackwelder's absence it would be prudent to continue this agenda item to the next council meeting.

There was unanimous consensus by the Council to *continue Approval of City Donations/Contributions to the Monterey County Film Commission to the June 20, 2006 Council Meeting.*

Mayor Pendergrass commented that they not only do films, but also do commercials on our beaches. Also, it is not what we receive in monetary value, but influence in the community, and the significant impact of what the general public thinks of Sand City.

AGENDA ITEM 7, OLD BUSINESS

- A. Council Member Morris commented on the review and discussion of ethics training requirements stating that one of the issues regarding public officials involves the purchase of land in the city you reside in. This was according to a Western City Magazine article. Other than purchasing property for their residence, a member of a Redevelopment Agency is not allowed to buy land in the city they serve.

City Attorney, Jim Heisinger replied that you may own a principal residence, there are exemptions to the rule and that it primarily prohibits Redevelopment officials from buying land for speculative purposes. The state law changed and elected officials who are paid compensation are now required to complete 2 hours of ethics training every two years. The League of California Cities offers a class at the conference this September and there are also classes available on line through the

League's website. Some cities are making the requirement apply to standing commissions and department heads.

Mayor Pendergrass commented that it seems unfair that state legislatures are not required to attend ethics training also.

Jim Heisinger, City Attorney, suggested that since the current information caters to public officials, he can tailor the ethics training information for other employees who are interested in attending a class, although it would not be a certified class.

- B. Mayor Pendergrass presented the Seaside Request for Sand City participation in local share costs for signaling the Highway One Southbound Off-ramp with Canyon Del Rey. The proposed letter from the City of Seaside is requesting assistance from Sand City in funding the project. These safety lights would mean improved traffic flow at the intersections of Highway 1 and Canyon Del Rey southbound off-ramp, especially during peak PM hours. The amount of a \$6,000 contribution would seem appropriate as Sand City's proportionate share cost.

Kelly Morgan, City Administrator commented that this is also a regional facility and part of Sand City's response would be to make a small contribution based on the regional service area. That service area should consider, Monterey, Del Rey Oaks, Seaside and Sand City. The nature of our response would normally be part of traffic impacts identified EIR's for pending projects. We all have to pay traffic impact costs for projects as they come on-line. TAMC is already requiring regional impact fees.

Steve Matarazzo stated that Diana's cited "cooperative agreement" has not been attached, which stipulates that there shall be a cost share and this needs to be clarified from her since there was no determination of what the equitable distribution costs should be. Our response should be based on the surrounding cities contribution and Sand City will pay a proportionate cost not to exceed \$6,000 based on the traffic generated from that traffic share. There is a question whether a similar letter has been sent to the other cities effected.

Kelly Morgan, City Administrator, replied that our response to Seaside should be that they need to obtain a pro-rated cost from other cities in this area also.

There was Council consensus to not exceed \$6,000 for Sand City's proportionate share of cost for the Sand City's participation in local share costs for signaling the Highway One Southbound Off-ramp with Canyon Del Rey.

AGENDA ITEM 8, NEW BUSINESS

- A. Preliminary Review of FY 2006-07 Combined City/Redevelopment Agency Budget
this item was pulled for consideration to the next council meeting on June 20, 2006.

- B. Assistant City Engineer, Richard Simonitch reported that bids are ready to go on the cap seal project as soon as they receive the budget figures, and identify which streets are in need of improvement.

Community Development Director, Steve Matarazzo reported that the EIR on the Sterling/McDonald Project is moving along. There is a meeting scheduled with TAMC on the bike trail extension which would connect the bike trail where it cuts off at Tioga. It would be important to orchestrate the King project with Ed Ghandour's proposed project so that two projects are not in front of the Coastal Commission simultaneously.

Richard Simonitch commented that they are waiting to hear from CalTrans on the Environmental Documentation regarding the Canyon Del Rey off-ramp, if we are considering any form of contribution.

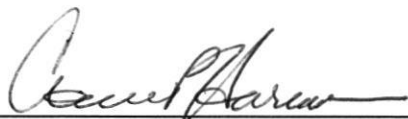
- C. The Deputy City Clerk brought to the council's attention the upcoming meetings and events.

AGENDA ITEM 9, CLOSED SESSION

- A. It was determined that the City Council did not need to adjourn to Closed Session to confer with legal counsel regarding existing litigation pursuant to §54956.9 (a) of the Ralph M. Brown Act, CalAm Water v. Seaside. Sand City et al
- B. Closed Session was not held

AGENDA ITEM 10, ADJOURNMENT

Motion to adjourn was made by Council Member Carbone, seconded by Council Member Morris to the next regularly scheduled Council meeting on June 20, 2006. There was unanimous consensus of the City Council to adjourn at 8:10 p.m.



Connie Horca, Deputy City Clerk