

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting-June 21, 2005
7:00 PM

Mayor Pendergrass opened the meeting at 7:03 p.m.

Invocation was led by Reverend Snyder.

The pledge of allegiance was led by Police Chief Klein.

Present: Council Member Jerry Blackwelder
Vice Mayor, Mary Ann Carbone
Council Member, Craig Hubler
Council Member, Michael Morris
Mayor David Pendergrass

Staff: Kelly Morgan, City Administrator
Michael Klein, Police Chief
Steve Matarazzo, Community Development Director
Jim Heisinger, City Attorney
Stan Kulakow, City Engineer
Connie Horca, Deputy City Clerk

AGENDA ITEM 4, COMMUNICATIONS:

- A. Additional written communication distributed to the Council this evening included minor corrections to Agenda Packet Items 5C, 5G, 8B, 9B, 9C, an invitation to the Community Human Services Annual Luncheon Meeting and a Request/Need for Urgency Item 9 D to be added to the Council Agenda.
- B. The floor was opened at 7:07 p.m. There were no comments from the public. Mayor David Pendergrass referred to the new urgency item 9 D **Consideration of RESOLUTION of the Sand City Redevelopment Agency Approving the Transfer of the Right of Design Center, LLC to Receive Title to the Robinette Site Under the Robinette Site Disposition and Development Agreement to Patrick Corrigan and the Trustee of the SSIC Trust Under Certain Conditions** that will be added to tonight's agenda. Council member Carbone made a motion to add item 9 D to the agenda. Council member Morris seconded the motion with the condition that there will be time to read the agenda item. AYES: Council members Carbone, Morris and Pendergrass. NOES: None ABSTAIN: Council members Blackwelder and Hubler. Motion carried.

City Administrator Kelly Morgan referred to the handouts in which Minor corrections needed to be made, including a name change to Mary Ann Carbone, Secretary on the Redevelopment Agency Resolutions, a date change to FY 2005-2006 on the Hope Services resolution , and the upcoming Competitive Clusters Conference to be held on June 30, 2005.

7:11 p.m Floor closed to Public Comment

The City Attorney, Jim Heisinger, announced that there was a need to add an urgency item to the agenda (Item 9D), and he explained why this urgent item was needed for the close of escrow on the Robinette Property. Two council members (Blackwelder & Hubler) have a conflict on this property because of the 500' rule and must abstain from this action. It was agreed to add annew Item # 9D by a 3-0-2 abstain vote.

AGENDA ITEM 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 Councilmember may request that any item be placed on the Regular Agenda for separate consideration.

- A. There was no discussion of the May 17, 2005 Meeting Minutes.
- B. Council member Morris referred to page 17 of agenda item 5 B and asked if there were current vacancies in the Police Department. City Administrator , Kelly Morgan corrected the Police Department Report stating that there are presently no vacancies in the Police Department and itemized several other corrections to the number of positions currently held within the Department.
- C. Discussion of the Fort Ord Reuse Authority Report for June 2005 involved the *City of Marina's University Village Project*. Mayor Pendergrass reported that Sand City is not part of the litigation involving outside parties, who are against this project.
- D. Council member Morris addressed the fees being charged by the City of Monterey on page 24. Community Development Director, Steve Matarazzo replied that the \$72 dollars per hour Plan Check fee being charged is full cost recovery from building permit fees and that 25% of the Building Inspection fee goes towards Sand City's administrative costs. There was no further discussion of City **RESOLUTION Authorizing a One Year Renewal of Building Inspection/Plan Check Services Agreement with the City of Monterey.**

- E. There was no discussion of City **RESOLUTION Authorizing Renewal of a Maintenance Services Agreement with Hope Rehabilitation Services.**
- F. There was no discussion of City **RESOLUTION Authorizing an Extension of Fire Services Agreement between the Cities of Monterey and Sand City.**
- G. There was no discussion of City **RESOLUTION Authorizing a Renewal of an Agreement for Jail Services with the City of Seaside.**
- H. Discussion of page 68, in reference to the minimum compensation insurance the City needs to carry, was addressed by Council member Morris. The City is part of a self insurance fund which covers this insurance requirement. Police Chief Michael Klein stated that the City pays a \$145 dollar fee for animals brought to the shelter which would include a litter. There was no further discussion of City **RESOLUTION Authorizing Renewal of Animal Shelter Services Agreement with the County of Monterey Health Department and Approving Amendment No. 2 to Agreement No. A-09687.**

Motion to approve Consent Calendar was made by Council member Morris. Seconded by Council member Carbone. AYES: Council members Blackwelder, Carbone, Pendergrass, Hubler, and Morris. NOES: None. ABSENT: None. ABSTAINED: None. Motion Carried.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no further items pulled from the consent calendar.

AGENDA ITEM 7, PUBLIC HEARINGS:

- A There was no discussion of SECOND READING: Consideration of Ordinance-amending Title 18 of the Muncipal Code to Reclassify Certain Property located at 880Tioga Avenue from Manufacturing (M) to Regional Commercial (C-4). The floor was opened for the Public Hearing and closed following no comment from the public. Motion to Approve the **SECOND READING: Consideration of Ordinance-Amending Title 18 fo the Municipal Code to Reclassify Certain Property located at 880 Tioga Avenue from Manufacturing (M) to Regional Commercial (C-4)** by title was made by Council member Hubler, seconded by Council member Blackwelder. Roll call vote AYES: Councilmembers Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 8, OLD BUSINESS:

- A. City Administrator, Kelly Morgan commented that the tax increase added approximately \$300K in revenue to the fiscal year 2005-2006 budget and the Robinette Site sale is scheduled to close on June 27th which will give the City a significant one-time revenue. Further discussion revolved around Item 7 page 97 of the agenda packet in regard to the PERS retirement benefit "3% at age 60". This figure needs to be programmed into the Preliminary FY 05-06 budget, pending further review by the Budget Committee, and City Council before it can become effective. Motion to approve Consideration of City **RESOLUTION Adopting Amendment #1 to the Combined City and Redevelopment Agency Budget for Fiscal Year 2004-2005** by title was made by Council member Blackwelder. Seconded by Council member Morris. AYES: Council members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.
- B. A correction to the signature line on page 101 of agenda item 8B should be Mary Ann Carbone, Agency Secretary, was referenced by City Administrator, Kelly Morgan. There was no further discussion to agenda item. Motion to approve **Redevelopment Agency RESOLUTION Adopting Amendment #1 to the Combined City and Redevelopment Agency Budget for Fiscal Year 2004-2005** by title was made by Council member Blackwelder. Seconded by Council member Morris. AYES: Council members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.
- C. There was no update from the Public Works, City Engineer Stan Kulakow.

Community Development Director Steve Matarazzo reported that the City's engineering services for next fiscal year should include some additional engineering work for the next three Agency permits required for the proposed desalination plant (County Health Department, Water District, and State Department of Health Services). City Engineer, Stan Kulakow, has submitted cost estimates to be included in the FY 05-06 Budget.

City Administrator, Kelly Morgan reported that our Public Works Foreman passed away several weeks ago, and the City has contracted with Frank Griffin to fill in at public works until a Foreman can be hired. The City has also advertised a Public Works Maintenance position. We are presently recruiting for a full-time Public Works Foreman and Public Works Maintenance Worker II.

AGENDA ITEM 9, NEW BUSINESS:

- A. City Administrator Kelly Morgan pointed out that it was due to time constraints not financial difficulties that the FY 2005-2006 Budget has not yet been completed. Motion to approve **City RESOLUTION Authorizing Continuing City Expenditures and City Operations for the Fiscal Year 2005-2006** by title was made by Council member Carbone. Seconded by Council member Blackwelder. AYES: Council members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.
- B. Motion to approve **Redevelopment Agency RESOLUTION Authorizing Continuing Agency Expenditures for the Fiscal Year 2005-2006** by title was made by Council member Carbone. Seconded by Council member Blackwelder. AYES: Council members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.
- C. Vice Mayor Carbone brought to the attention of the Council the meeting with the Monterey County Board of Supervisors which will include John Laird. Council members planning to attend the upcoming Community Human Services luncheon should confirm with Deputy City Clerk, Connie Horca.
- D. **{ Council members Blackwelder and Hubler stepped down from the dias. 500' rule }**

7:41 p.m. Mayor Pendergrass called a council recess.

7:43 p.m. Council re-adjourned.

City Attorney, Jim Heisinger, received a request from Patrick Corrigan that the Agency transfer title to the Robinette Site directly to the principals of Design Center, LLC, who in turn would transfer title to Design Center, LLC during escrow. The main purpose of this request is to facilitate a tax advantage exchange of real property. Council member Morris pointed out that any additional costs in relation to the closing of escrow should be incurred by the buyer. City Attorney, Jim Heisinger made the following change to the end of paragraph two of the resolution which would include the addition: *and to collect all additional cost incurred by the agency herein*. Further discussion included the rule of the Brown Act which states that in order for an item to be added to the agenda after the agenda has posted, there must be a unanimous vote of the voting council (because of the 2 abstaining council members). Motion to approve **RESOLUTION of the Sand City Redevelopment Agency Approving the Transfer of the**

Right of Design Center, LLC to Receive Title to the Robinette Site under the Robinette Site Disposition and Development Agreement to Patrick Corrigan and the Trustee of the SSIC Trust Under Certain Conditions by title was made by Council member Morris. Seconded by Council member Carbone. AYES: Council members Carbone, Morris, Pendergrass. NOES: None. ABSENT: None ABSTAIN: Council members Blackwelder and Hubler. Motion carried by unanimous vote.

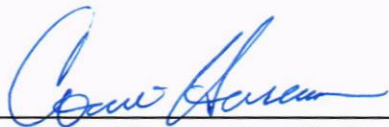
{ Council members Blackwelder and Hubler returned to the dias }

AGENDA ITEM 10, 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 (1 case) - CalAm Water v. Seaside, Sand City et al.
- B. Closed session was not held.

AGENDA ITEM 11, ADJOURNMENT

- A. Motion to adjourn was made by Council member Blackwelder, seconded by Council member Morris to the next regularly scheduled Council meeting on July 19, 2005. There was unanimous consensus of the City Council to adjourn at 7:54 p.m.



Connie Horca, Deputy City Clerk