

**MINUTES**  
**JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY**  
**City Council Chambers**  
**Regular Meeting-August 16, 2005**  
**7:00 PM**

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Mayor Pendergrass opened the meeting at 7:02 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  
Steven Beal, in lieu of City Attorney  
Stan Kulakow, City Engineer  
Connie Horca, Deputy City Clerk

**AGENDA ITEM 4, COMMUNICATIONS:**

- A. The additional written communications distributed to the City Council this evening included articles from the Monterey County Herald referencing Jerry Kehoe
- B. Mayor David Pendergrass welcomed Steve Beal who is standing in for Jim Heisinger, City Attorney.

The floor was opened to Public comment at 7:05 p.m.

There was no comment from the Public.

The floor was closed to Public comment at 7:06 p.m.

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

- A. There was no discussion of the August 2, 2005 Meeting Minutes.
- B. There was no discussion of the Monthly Police Department Report, July 2005.
- C. There was no discussion of City **RESOLUTION Authorizing Acceptance of an Allocation from the Supplemental Law Enforcement Services Fund (SLESF) and Appropriation of those Funds for Fiscal Year 2005-2006**
- D. There was no discussion of City **RESOLUTION Authorizing a Contract for Services with Clearvue, Inc,**
- E. City Administrator, Kelly Morgan brought to the council's attention that the contributions have not been made yet and is subject to the council's approval. **Approval of City Contributions/donation to North Fremont District of Monterey for Monterey on Ice at the Fairgrounds for \$500 and to Seaside Pony Baseball & Softball for \$100**
- F. Council member Morris asked if Propertyroom.com will dispose of the shuttle bus and the process in which this entails. Chief Klein responded that this company has a good record of disposing of heavy equipment. They will arrange for pick-up and the bus will be stored at their facility. The City will receive 50% or up to \$1,000 dollars in proceeds from the sale of the shuttle bus. Approval of City **RESOLUTION Authorizing Renewal for a Service Agreement with Property Bureau D.B.A. Propertyroom.com to Dispose of Surplus City and Evidence Room Property.**

Motion to approve Consent Calendar was made by Council member Blackwelder. 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 items pulled from the consent calendar.

## **AGENDA ITEM 7, PRESENTATIONS:**

Barbara Griffman, made a presentation on behalf of "Friends of the Sea Otter" foundation making an appeal to the Council in support of HR2323 a Bill currently in congress to provide funds necessary to research and identify the causes of increased sea otter deaths and illnesses. The research could

also find a cure and/or prevention for other wildlife living in the Monterey Bay area.

Council member Morris questioned the efficiency of such legislation based on the fact that the lack of an adequate sea otter food appeared to be the main problem.

#### **AGENDA ITEM 8, PUBLIC HEARINGS:**

- A Discussion of FIRST READING: Ordinance of the City of Sand City Amending Certain Provisions of Title 10 of the Sand City Municipal Code Regarding Stopping, Standing and Parking. Chief Michael Klein explained that the old ordinance is no longer in conformity to the present needs of the City. The City Attorney and Sergeant Crisan have worked to update the old ordinance. Further discussion included the subject of apron parking, vehicle abatement and abandoned vehicles. Council member Morris questioned why other cities do not have this same issue. Chief Klein responded that other cities have parking enforcement officers which strictly enforce the issue of parking. Council member Morris suggested that related parking problems be continued for further discussion in the next agenda.

7:37 p.m. Floor opened to Public Comment

Resident Todd Kruper asked why this ordinance was not posted in and around the City. City Administrator, Kelly Morgan responded that the ordinance was advertised in the Herald as a Public Hearing Notice. It does not include the full explanation of the ordinance. Mayor Pendergrass commented that this is only the first reading of the ordinance.

7:40 p.m. Floor closed to Public Comment

Motion to approve **First Reading of Ordinance of the City of Sand City Amending Certain Provisions of Title 10 of the Sand City Municipal Code Regarding Stopping Standing and Parking** was made by Council member Morris. Seconded by Council member Carbone. Roll call vote AYES: Council members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

#### **AGENDA ITEM 9, OLD BUSINESS:**

- A. City Engineer, Stan Kulakow reported on the slurry sealing of city streets. A meeting is scheduled with the City of Monterey to meet with their engineers so we do not need to go through the entire bidding process. The City of Carmel has used this same process.

Community Development Director, Steve Matarazzo, reported that on August 5<sup>th</sup>, he met with Jacob Martin of the US Fish and Wildlife to review the alignment of certain water lines involving the desal project, and the intake wells, with no apparent USFWS problems regarding the locations. A letter should be received within the next two weeks that no take permit would be necessary for the desal project. The subject of the Bike Trail Lights also did not appear to be an issue with the US Fish and Wildlife.

#### **AGENDA ITEM 10, NEW BUSINESS:**

- A. The regular council meeting scheduled for Tuesday September 6, 2005 has been cancelled. The next regular scheduled Council Meeting will be on **Tuesday, September 20, 2005**. City Administrator, Kelly Morgan pointed out the change of date on the last page of the agenda.
- B. Community Development Director, Steve Matarazzo, reported that there has been ongoing discussions with the chief permit official for the Coastal Commission; we will be submitting a coastal development permit, for the 15' lights we have. It was suggested that every other light from Bay Avenue south be turned off, so as not to obscure the ocean view.
- C. City Administrator, Kelly Morgan presented to the council, the need for the City to acquire the services of Orrick, Herrington and Sutcliffe, to begin financing analysis on the City Desal Project. The OHS firm is a top municipal finance law firm which deals primarily in obtaining financing options for large projects. If the council approves the services of the OHS firm, they will work in conjunction with Jim Dudick to prepare a summary analysis of the various financing arrangements. Council member Morris commented that the resolution should include an amount to item 1, that services should not exceed \$7,500 for the first phase of work. City Administrator, Kelly Morgan responded that whatever the amount of the financing obtained, the legal fees will be included in that cost.

Motion to approve **City RESOLUTION Authorizing Engagement Letter for Legal Services with Orrick, Harrington & Sutcliffe by title as amended** was made by Council member Carbone, seconded by Council member Hubler. AYES: All Council Members. NOES: None. ABSENT: None. ABSTAINED: None. Motion Carried.

- D. The Deputy City Clerk received responses for upcoming events and meetings. The League of California Cities Conference registration and hotel accommodations have been confirmed.

**AGENDA ITEM 11, CLOSED SESSION**

- A. City Council 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. There was no action taken
- B. 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 12, ADJOURNMENT:**

- A. Motion to adjourn was made by Council member Hubler, seconded by Council member Carbone to the next scheduled council meeting on September 20, 2005, at 7:00 p.m. There was a unanimous consensus of the City Council to adjourn at 8:58 p.m.



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Connie Horca, Deputy City Clerk