

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
REGULAR MEETING-NOVEMBER 1, 2005
7:00 P.M.

Mayor Pendergrass opened the meeting at 7:00 p.m.

Reverend Snyder led the Invocation.

Police Chief Klein led the Pledge of Allegiance.

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

Staff: Kelly Morgan, City Administrator
Michael Klein, Police Chief
Steve Matarazzo, Community Development Director
Jim Heisinger, City Attorney
Richard Simonitch, Assistant City Engineer
Linda Scholink, City Clerk

AGENDA ITEM 4, COMMUNICATIONS:

- A. Additional written communication distributed to council included Agenda Item 7A-Bid Summary for City Hall Rear Parking Lot and Agenda Item 8B-Marina's 30th Birthday Celebration, and Monterey County Film Commission notice on a November 9th film lecture at Embassy Suites.
- B. The floor was opened to Public comment at 7:03 p.m.
There was no comment from the Public
The floor was closed to Public comment at 7:04 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 September 20, 2005 Minutes
- B. There was no discussion of October 18, 2005 Minutes
- C. There was no discussion of Monthly City/Redevelopment Agency Financial Report, September 2005

- D. There was no discussion of Monthly Fort Ord Reuse Authority (FORA) Report, October, 2005
- E. There was no discussion of Budget Committee Recommendations on several cost increases. The Orrick Contract for Phase I increased to \$15,000; a time extension and an additional \$5,000 added to Tom Roth's agreement; and a budget increase for the MST bus shelters to \$18,000.
- F. There was no discussion of the contributions/donations to the Monterey History Art Association for \$400.00, or the American Diabetes Association for \$250.00.

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

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR:

There were no items pulled from the consent calendar.

AGENDA ITEM 7, OLD BUSINESS:

{Due to a possible conflict of interest by residing within the 500' of the area, Council member Carbone stepped down and left the dais}

- A. Assistant City Engineer, Richard Simonitch presented the staff report and **RESOLUTION Authorizing the Award of the City Hall Rear Parking Lot Parking Lot Improvement Project to Monterey Peninsula Engineering, Inc.**

Motion to approve Resolution, by title only was made by Council member Blackwelder, seconded by Council member Hubler. AYES: Council members Blackwelder, Pendergrass, Hubler and Morris. NOES: None. ABSENT: None. ABSTAINED: Council Member Carbone. Motion Carried.

{Council member Carbone returned to the dais}

- B. The Community Development Director presented the background and recommendations for Sand City's Zoning Enforcement Issues. Up until this point violations have been addressed on a complaint basis only. He wanted to proceed with recommendations 2 & 3 of his staff report and change recommendation 1 from beginning to recruit a part time zoning enforcement officer to initially start with the planning department stepping up its enforcement activities with existing staff.

Steve Wilson, (Resident): Thanked the City Council and Staff for addressing the issue on zoning enforcement within the City. Maybe there is a police officer that works for the City currently with the construction background that could fill the position of code enforcement part time.

8:45 P.M. Floor Closed to Public Comment

The City Council concurred with the Director of Community Development recommendation to send a letter and schedule a meeting inviting the property owners, business owners to educate and review issues of concern and solicit cooperative solutions. The City Attorney was instructed to come back before the Council with a clean up provision for the City Code/Ordinances, (a "Wobbler" Ordinance). The City Attorney explained that a new State law had restrictions on City Attorneys so that the Attorney who handles zoning violations couldn't be the same Attorney that advises the City Council in closed session.

AGENDA ITEM 8, NEW BUSINESS:

- A. The Community Development Director reported that he is still waiting for the letter from US Fish and Wildlife regarding the Desalination plant, and the date has passed for appeals to the final order of removal of snowy plover critical habitat.
- B. The Director of Administrative Services requested responses for the Upcoming Events/Meetings.

AGENDA ITEM 9, CLOSED SESSION:

- A. The City Council adjourned to Closed Session to confer with legal counsel regarding existing litigation pursuant to §54956.9(a) of the Ralph M. Brown Act Cal Am Water v. Seaside, Sand City et al.
- B. Re-adjourned 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. No action taken, information only.

AGENDA ITEM 10, ADJOURNMENT:

Motion to adjourn was made by Council member Blackwelder, seconded by Council member Morris to the next scheduled Council meeting on November 15, 2005, at 7:00 p.m. There was unanimous consensus of the City Council to adjourn at 8:15 p.m.



Linda K. Scholink, City Clerk