

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting -January 21, 2003
7:00 PM

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

Reverend Steve Snyder led the invocation and included a prayer in memory of Mrs. Jim Dudick.

Police Chief Klein led the Pledge of Allegiance.

Present: Councilmember Jerry Blackwelder
Vice-Mayor Mary Ann Kline
Councilmember Craig Hubler
Councilmember Todd Kruper
Mayor David Pendergrass

Staff: Kelly Morgan, City Administrator
Steve Matarazzo, Community Development Director
J.Michael Klein, Police Chief
Jim Heisinger, City Attorney
Gerard Rose, Personnel Attorney (Closed Session only)
Stan Kulakow, City Engineer
Debra Taylor, City Clerk

AGENDA ITEM 4, COMMUNICATIONS:

- A. There were no additional written communications distributed to City Council this evening.
- B. The floor was opened at 7:02 p.m. for oral communications, but no comments were made by the public. Mayor Pendergrass complimented the Arts Committee for their new photographic exhibit by Mary Hill. There will be an artist reception on Friday, January 31st 6:00 - 8:00 pm in the Art Gallery. Mayor Pendergrass congratulated Vice-Mayor Kline for her 2003 Woman of the Year award.

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 January 7, 2003 Minutes.
- B. There was no discussion of the monthly Police Department Activity Report, December 2002.
- C. There was no discussion of the Arts Committee Minutes: August 23rd; September 5th; September 12th, 20th, 30th (combined); October 24th .
- D. There was no discussion of the monthly City/Redevelopment Agency Financial Report, November 2002.
- E. There was no discussion of the monthly Fort Ord Reuse Authority (FORA) Report, January 2003.
- F. This contract was considered under agenda item 6. The City RESOLUTION Authorizing Award of the Calabrese Park Lighting Contract to Superior Electric and Electronics Co.
- G. This contract was considered under agenda item 6. The City RESOLUTION Authorizing Award of the Street Improvements for Park Avenue in Sand City, California to the Don Chapin Company.
- H. There was no discussion of the City **RESOLUTION Re-appointing Members to the Arts Committee**. The term is for one year (January through December) and the following re-appointments were approved: Greg Hawthorne, Denise Holland, Heinz Hubler, Todd Kruper, Catherine Kuhlmann.
- I. There was no discussion of the Redevelopment Agency staff report on the status of the Gus & Millie Randazzo redevelopment project water reservation, 443 Orange Avenue. At the November 19, 2002 meeting, the Agency granted a time extension of two months for this water credit reservation. As of December 2, 2002, the building permit was issued, all fees paid, and necessary items were submitted. No further action to extend the credit reservation is necessary unless the building permit and/or MPWMD water permit expire.
- J. There was no discussion of the City **RESOLUTION Authorizing Health Benefit Increases for the 2003 Contract Year**. Effective January 1, 2003 the new monthly rates will be \$548 for a single party and \$822 for single party plus half dependent cost.

Motion to approve Consent Calendar items A,B,C,D,E,H,I,J was made by Councilmember Blackwelder, seconded by Councilmember Kruper. AYES: All

Councilmembers (except item A). NOES: None. ABSENT: None. ABSTAINED: Councilmember Kline abstained from item 5-A. Motion carried.

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

[Due to a possible conflict of interest by residing within 500' of the project areas, Vice-Mayor Kline abstained.]

5-E There was no discussion of the City **RESOLUTION Authorizing Award of the Calabrese Park Lighting Contract to Superior Electric and Electronics Co.** The City received a \$25,000 California Department of Parks & Recreation grant for this project. Four bids were received and the lowest responsible bidder is Superior Electric and Electronics Co. in the amount of \$24,510. The remaining \$490 of grant funds can be used for associated PG&E services and inspection work.

5-F There was no discussion of the City **RESOLUTION Authorizing Award of the Street Improvements for Park Avenue in Sand City, California to the Don Chapin Company.** The City has a budget item of \$90,000 for this project in the 2002-03 budget and will require augmenting the budget by \$63,638. Seven bids were received for this project and the lowest responsible bidder is the Don Chapin Company in the amount of \$162,832. A contingency of \$16,300 (10% of the contract amount) is provided for construction change orders, if necessary, and subject to the approval of the City Administrator. Four property owners on Park Avenue have an Owner Participation Agreement (OPA) with payments totaling \$25,494.

Motion to approve both Resolutions, by title only, was made by Councilmember Kruper, seconded by Councilmember Hubler. AYES: Councilmembers Blackwelder, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: Councilmember Kline. Motion carried.

[Vice-Mayor Kline returned to the dais.]

AGENDA ITEM 7, OLD BUSINESS:

A. Progress report on Public Works projects, City water project, Project Study Report (PSR) and other Sand City community programs by City Engineer/Community Development Director/City Administrator. City Engineer Kulakow said that the countywide Storm Water Task Force report on implementing the Phase II program will be filed with the regional board in February. It is a very successful effort. There will be a resolution presented at a future meeting for Sand City's filing of a notice of intent to participate

in the Phase II Storm Water Program. There has been shoreline erosion on the Monterey Peninsula this winter due to storms and tidal surge. Staff had aerial photos made to prepare an accurate base mapping of the shoreline. These photos were taken during low tide on January 15, 2003 and will be presented to the City Council at a future date. Community Development Director Matarazzo included the desal Environmental Impact Report (EIR) time line in the agenda packet. Mr. Matarazzo noted that a lot of publicity will likely be generated when the draft is distributed in May/June. Mr. Matarazzo also mentioned that Sand City staff met with Water District staff to coordinate the planning of our desal project with a potential water project to be proposed by the Water District.

AGENDA ITEM 8, NEW BUSINESS:

- A. Mayor Pendergrass gave a synopsis of the pending litigation - Cities and County of Santa Cruz v. AMBAG and State Housing & Community Development (HCD), et.al. AMBAG has required that Monterey County jurisdictions should plan for 58% (13,415 units), and Santa Cruz County plan for 42% (9,715 units) of the regional housing need as determined by the State. The cities and county of Santa Cruz do not want to accommodate that much growth and will not reverse their position on this issue. There will be a 60-day stay on the lawsuit. Community Development Director Matarazzo said that the State Housing & Community Development Department (HCD) has Sand City's housing element under review and this suit should not adversely effect that review. The State has also been sued and AMBAG may ask all cities to assist in legal costs.

AGENDA ITEM 9, CLOSED SESSION:

- A. The City Council adjourned to Closed Session:
 - (1) To confer with legal counsel regarding initiation of litigation pursuant to §54956.9(c) of the Ralph M. Brown Act (2 cases)
 - (2) To confer with legal counsel regarding anticipated litigation pursuant to §54956.9(b) of the Ralph M. Brown Act (1 case)
 - (3) To confer with legal counsel regarding liability claim pursuant to §54956.95 of the Ralph M. Brown Act. Claimant: Joe Palozzolo. Agency claimed against: Sand City
- B. Readjourned 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.
 - (1) *Ghandour v. California Coastal Commission*: no action
Oregon lawsuit on Snowy Plover: Direction to City Attorney to engage Sheppard Mullin to prepare necessary papers to intervene in Snowy Plover case.

- (2) *Water issues - anticipated litigation:* Attorney report only, no action taken.
- (3) *Palozzolo claim:* Council consensus to deny claim and refer to insurance carrier.

AGENDA ITEM 10, ADJOURNMENT

- A. Motion to adjourn was made by Councilmember Kruper, seconded by Councilmember Kline, to the next regularly scheduled City Council meeting on February 4, 2003, 7:00 p.m. There was unanimous consensus of the Council to adjourn at 8:35 p.m.



Debra Taylor, City Clerk