

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting - February 4, 2003
7:00 PM

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

Reverend Steve Snyder led the invocation.

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
Stan Kulakow, City Engineer
Debra Taylor, City Clerk

AGENDA ITEM 4, COMMUNICATIONS:

- A. The additional written communications will be distributed to City Council under Item 9 - Closed Session.
- B. The floor was opened at 7:02 p.m. for oral communications, but no comments were made by the public. City Attorney Heisinger reported that the Monterey Peninsula Water Management District (MPWMD) made an offer of settlement to the City of Seaside and all Peninsula cities involved in the water credit transfer litigation related to MPWMD Ordinance 102. MPWMD believed that water credit transfers were not a CEQA issue. More information will be reported to the City Council at a future meeting.

Councilmember Kruper said that the artist reception for Mary Hill last Friday was quite a success. He also reported on the Monterey Peninsula School District Board meeting last night. Ruth Vreeland (Monterey) and he were the only attendees representing local cities. On April 14th, 7:00 p.m. there will

be a meeting to discuss such concerns as the State budget, growth, long term mitigation issues, and housing on the Monterey Peninsula.

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. Conditional Use Permits are subject to annual review by the City Council and City staff. Upon review of each of the following Use Permits, staff is recommending continued operation of the Use Permits to the City Council based on the finding that these uses are in compliance with their permits.
 - (1) CUP #192, Steve Wilson (Mobile Home), 7 Scott Street
 - (2) CUP #212, Nickolas Olivio (Music Recording Studio), 1745 Hickory Street
 - (3) CUP #241, Jerry Lyon (Automotive Specialist Service), 475-A Olympia Avenue
 - (4) CUP #383, Burkleo Roofing (Roofing Company), 431 Ortiz Avenue
 - (5) CDP #93-01, Max Wholesalers (Picture Frame Supply), 325 Elder Avenue
 - (6) CDP #98-01, James Davi (Paint Contractor), 1815-E Contra Costa Street
 - (7) CDP #02-01, Nghia Van Nguyen/Digital Tech Display & Electronics (Sales, distribution, assembly), 1801 Catalina Street
- B. There was no discussion of the January 21, 2003 Minutes.
- C. There was no discussion of the City **RESOLUTION Honoring 40 Years of Public Service in California by Lee Yarborough**. City representatives attending his retirement celebration will be Kelly Morgan, Steve Matarazzo, Linda Scholink, and Stan Kulakow.
- D. There was no discussion of the Annual Police Department Activity Report, 2002 and Five Year Overview.
- E. There was no discussion of the monthly City/Redevelopment Agency Financial Report, December 2002.

Motion to approve Consent Calendar was made by Councilmember Kline, seconded by Councilmember Blackwelder. AYES: All Councilmembers. NOES: None. ABSENT: None. ABSTAINED: None. Motion carried.

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

No items.

AGENDA ITEM 7, OLD BUSINESS:

- A. City Engineer Kulakow presented a report on the storm drain outfall proposed improvements at Bay Avenue. Seaside has provided preliminary plans to replace the outfall channel with an 84" pipe. The preliminary plans were included in the agenda packet and were briefly described by the City Engineer. Another solution for the John/Redwood/Ortiz area will have an outflow pipe that is situated above the 90" pipe with a safety valve. The Seaside consultant will be preparing the plans so they can go out to bid. Seaside wants Sand City to contribute to the funding of this project, relative to Sand City's use, which Mr. Kulakow estimates at approximately 10%. City Administrator Morgan said that regular maintenance will be required to ensure that there will not be a debris blockage problem. The City will prepare a letter to Seaside stating that the City Council has considered this item and wants to encourage Seaside to proceed with this project as soon as possible, and the Council and may consider a proportionate financial contribution; and to proceed for addressing this problem before the next rain season. In response to a question, Mr. Kulakow estimates that it will cost \$60,000-70,000 to do the work. He feels the City should only be participating in the overflow work and that may cost the City \$3,000-\$4,000. City Attorney Heisinger reminded the City Council that there is an old agreement from when the pipe was installed where Seaside was granted the right to go through Sand City and is responsible for all maintenance. The City Council may elect that it is better not to contribute financially unless there is mention that Sand City's participation in this improvement does not replace the old agreement as it may cause the City to assume some liability for these drainage problems.

- B. Progress report on Public Works projects, City water project, Project Study Report (PSR), redevelopment projects, and other Sand City community programs by City Engineer/Community Development Director/City Administrator. City Engineer Kulakow met with architect David Martin and they are working on the plans for the City logo proposed for the flagpole/plaza area. Plans should be ready to show the City Council in one month. He has also met with the lighting engineers and designers two weeks ago and plans are

moving along to improve the City Hall lighting. Mr. Kulakow reported that CalTrans has used special non-glare materials on the newly constructed guardrail along Highway One. Mr. Kulakow also received a summary of vehicle counts for California. The vehicle count for Highway One/Ord interchange is 93,000 per day (north/south combined). This is double the vehicle count for the Salinas area along Highway 101. Mr. Kulakow confirmed that the \$50,000 STIP funds (for California Avenue) still belong to Sand City and have not been lost due to the State budget crunch. Staff will schedule a bid notice for March/April. In response to a question, the Park Avenue utility underground work should be starting in 4-6 weeks.

Community Development Director Matarazzo spoke with Coastal Commission District Manager, Dianne Landry yesterday to see if the City should proceed with the coastal development permit process for the desal project. Her response was encouraging and recommended the application commence after the draft EIR is distributed. Housing and Community Development (HCD) reported they are nearly finished with their review of the City's draft Housing Element and to expect some minor changes. They too, were intrigued by the proposed desal project. City staff has met with realtor Tim Allen and a developer who have expressed interest in doing a redevelopment project within Sand City. City Administrator Morgan announced that the tentative February 20th meeting with the Marina Water District is cancelled, and will be rescheduled for sometime in March. This will be to discuss an emergency connection for our water supply project.

AGENDA ITEM 8, NEW BUSINESS:

- A. City Administrator Morgan presented the City **RESOLUTION of Intention to Approve an Amendment to Contract Between the Board of Administration, California Public Employees' Retirement System and the City Council, City of Sand City**. Through negotiations with the Sand City Police Officers Association (POA), it was agreed by the Budget/Personnel Committee and approved by the City Council to change their PERS retirement program from 2% at age 50 formula to 3% at age 55. An ordinance amending the contract with CalPERS will be considered at the February 18th and March 4th City Council meetings. PERS did actuarial studies to provide the City with cost information before approval by the City Council. The City also commissioned an analysis and projection of these increased costs by consultants AON, and the actual costs will probably be higher than the two agencies estimated. Some cities that have approved the 3% at 50 formula are not happy with the expense that was not accurately projected by PERS.


Motion to approve Resolution, by title only, was made by Councilmember Kline, seconded by Councilmember Hubler. AYES: All members. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 9, CLOSED SESSION:

- A. City Council adjourned to Closed Session to confer with legal counsel regarding initiation of litigation pursuant to §54956.9(c) of the Ralph M. Brown Act (2 cases) - *Amicus Brief SNG v. California Coastal Commission, Oregon lawsuit on Snowy Plover*
- B. To confer with legal counsel regarding anticipated litigation pursuant to §54956.9(b) of the Ralph M. Brown Act (1 case)
- C. 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.
 - (A) *Ghandour v. California Coastal Commission*: no action
Oregon lawsuit on Snowy Plover: Attorney report only, no action taken.
 - (B) *Water issues - anticipated litigation*: Attorney report only, no action taken.

AGENDA ITEM 10, ADJOURNMENT

- A. Motion to adjourn was made by Councilmember Kruper, seconded by Councilmember Blackwelder, to the next regularly scheduled City Council meeting on February 18, 2003, 7:00 p.m. There was unanimous consensus of the Council to adjourn at 8:50 p.m.



Debra Taylor, City Clerk