

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting - August 19, 2003
7:00 PM

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

The invocation was led by Reverend David Just.

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
Mike Bittner, Acting City Engineer
Debra Taylor, City Clerk
Charles Pooler, Associate Planner

AGENDA ITEM 4, COMMUNICATIONS:

- A. Additional written communications distributed this evening included the Sand City Sales Tax Newsletter (4-A); excerpt from State Commerce "Alert" publication on the status of the state budget (4-A); TAMC press release on Prop 116 funding (4-A); August 14th letter from LSA Associates on the strategic planning phase of Sand City's Habitat Conservation Plan (HCP) (8-B); King Ventures letter received late today (8-B); a letter on a parks grant (8-C); invitations to events during the League conference in Sacramento (9-B), and information on an urgent item for Closed Session - *CalAm v. Seaside, Sand City et al*, complaint for determination of water rights, declaratory and injunctive relief (item 10).
- B. The floor was opened at 7:05 p.m. for oral communications.
CHARMAINE FELTON (First Grade Teacher, Ord Terrace School): She has been teaching at the same school for more than 33 years. Ms. Felton read a letter for the record giving the status of Ord Terrace School landscaping, and seeking funds from Sand City. Their gardener was laid off and there has

been a subsequent decline of the playing field and school grounds. Could Sand City help financially? She feels the parents of students may be available to do the labor, but there are no funds. A display of photographs depicting the grounds was shown to Council. Mayor Pendergrass said the City will take the request under submission.

In accordance with §54954.2(b) of the Ralph M. Brown Act, City Attorney Heisinger recommended the City Council consider an urgency item for Closed Session - *CalAm v. Seaside, Sand City et al*, a complaint for determination of water rights, declaratory and injunctive relief (one case). Motion to add urgent agenda item to Closed Session was made by Councilmember Hubler, seconded by Councilmember Kruper. AYES: All members. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried. This will be listed as agenda item 10-C and the final item renumbered to 10-D.

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 August 5, 2003 Minutes.
- B. There was no discussion of the Monthly Police Department Activity Report, July.
- C. There was no discussion Monthly Fort Ord Reuse Authority (FORA) Report, August.
- D. There was no discussion of the preliminary acceptance of the League of California Cities annual conference resolutions and support of proposed actions. Mayor Pendergrass will represent Sand City at the event, and Vice-Mayor Kline is the alternate appointee.
- E. There was no discussion of the City **RESOLUTION Authorizing Contract Extension with RRM Design Group**. The original contract to complete the West End urban design and parking implementation plan was approved by the City Council on September 4, 2002. Due to one of the team members resigning, there have been delays with the parking implementation plan. The next workshop is anticipated to be held on October 7, 2003. RRM Design Group has approximately \$16,000 remaining on their original contract, and this is only a time extension.
- F. There was no discussion of the City **RESOLUTION Honoring the City of Del Rey Oaks on Their 50th Birthday**. Del Rey Oaks incorporated on September 4, 1953 and will celebrate their 50th birthday on September 13th.

- G. There was no discussion of the Second Quarter June 30, 2003 Treasury Report.

Motion to approve Consent Calendar was made by Councilmember Kruper, seconded by Councilmember Hubler. 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, PUBLIC HEARING(S):

- A. Associate Planner Pooler presented the Coastal Development Permit application by Joseph Cardinale to extend their car lot within the Union Pacific Railroad right-of-way within the jurisdiction of Sand City, behind their facility at 1660, 1661 and 1667 Del Monte Boulevard, Seaside. The project qualifies as a categorical exemption under state CEQA Guidelines, Section 15301, and is within a non-appealable Coastal Manufacturing (CZ-M) zoning district; and City **RESOLUTION Approving Coastal Development Permit 03-03 to the Cardinale Automotive Group for the Establishment and Use of a Storage Yard Within the Union Pacific Railroad Right-of-Way to Store Automobiles Associated with the Applicants Auto Sales Facility.** The applicant has been informed of TAMC's intention to acquire the railroad right-of-way in the near future, as well as the proposed bicycle trail for the City of Seaside within this right-of-way. Within this 30' encroachment area the applicant will have access from his own auto sales facilities in Seaside. No access will be through Sand City. The fence design will be submitted to City staff for review and approval. This temporary permit will be for a period of two years.

Mayor Pendergrass reminded the applicant that the California Transportation Commission approved Prop 116 funds to acquire the railroad lines in the future. In response to a question by Councilmember Kruper, Mr. Pooler said only 4 of these types of permits have been issued by the City: Al Saroyan has stayed within the limits provided, Sam Linder never built, Meadows and Guistannini exceeded the 30' allotted for their storage. Councilmember Hubler said there is a large section of fencing at the Guistannini site that is not screened. Staff will follow up with a letter to those two property owners.

7:19 P.M. Floor Open to Public Comment

SAL CARDINALE (Applicant): The railroad tracks are within the 30' area and he plans to actually go over the tracks. They will measure exactly, pave the area, and install fences. He has a 2-year lease with a 30-day notice to

vacate. If the bicycle path goes through and the lease remains, they will be moving their storage area to accommodate the project. He agrees to all of the conditions listed in the permit.

ROBERT GROSS (Citizen): Asked Mr. Cardinale when all of this work will occur because there are two feral cats that he would like to trap and relocate. Mr. Cardinale said he will now take his request to the County for approval and expects to get started on this storage area in approximately three weeks.

7:23 P.M. Floor Closed to Public Comment

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

- B. FIRST READING: Ordinance Authorizing an Amendment to the Contract Between the Board of Administration, California Public Employees' Retirement System (PERS) and the City of Sand City was presented by City Administrator Morgan. On July 15th the City Council approved the resolution of intention with CalPERS for the survivor benefits program. The employer's rate for the "Fourth Level of 1959 Survivor Benefits" is \$4.90 per month, per covered member (subject to annual change), and covered members contribute \$2 per month. The effective date for the amendment with CalPERS will not occur until November 1, 2003.

7:26 P.M. Floor Open to Public Comment

No comments.

7:27 P.M. Floor Closed to Public Comment

Motion to approve first reading of the Ordinance, by title only, was made by Councilmember Kruper, seconded by Councilmember Blackwelder. Roll call vote - AYES: Councilmembers Blackwelder, Kline, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 8, OLD BUSINESS:

- A. Arts Committee Chair Kruper gave an oral report on the August 9th West End Celebration. Overall he has received good responses on the event; 12 studios were open this year (8 last year); there is now a West End logo design to help unite the area; he acknowledged the hard work by the two new Committee members (Bascou and Apodaca), Fred Crocker and his Public Works crew. There is an after-action Arts Committee meeting scheduled for August 21st.

Mayor Pendergrass said he was very pleased with the Herald editorial written on the event. Mr. Kruper will provide a list of names for those who should receive a certificate of appreciation that will be presented at a City Council meeting. In the future, the Mayor would like to see a permanent West End entry sign in appropriate locations because the logo design is already made and the banner will not be permanent.

- B. City/Redevelopment Agency staff gave a progress report on Sand City coastal projects and habitat issues: (1) *McDonald Coastal Site - King Ventures*. A letter from King Ventures was distributed tonight. Mayor Pendergrass said that the coastal subcommittee (Pendergrass, Blackwelder) and staff will probably meet with King Ventures in late September. (2) *Monterey Bay Shores - Security National Guarantee*. City Attorney Heisinger stated that Ghandour filed bankruptcy on SNG and this will stay any foreclosure action. (3) *Coastal Habitat Conservation Plan (HCP) Process*. City Administrator Morgan reported that he and City Attorney Heisinger went to San Francisco last week and met with attorney Tom Roth and three habitat consultants. Staff is exploring the possibility of a second opinion on solving the snowy plover habitat issues. U.S. Fish & Wildlife's designation for the snowy plover will make the City's coastal goals difficult in the future. Due to time and funds invested at this point, staff is researching other approaches to this problem and to retain the ability to have two coastal projects. The revised proposal letter from LSA Associates was distributed this evening and the scope of work was discussed. This proposed contract will be agendized at the September 2nd meeting. They are recommending an attorney that specializes in these issues, so the City will have to increase the budget for the HCP. Mr. Heisinger said Robert Hewitt is a consultant who works with these types of agencies and has snowy plover success in a different geographic area. Sand City does not have large lots of land to offer in mitigation and other tactics are needed. They estimate the cost to be \$10,000 for this preliminary re-evaluation. City Council concurrence to schedule the two contracts for the September 2nd meeting.
- C. Progress report on Public Works projects, City water project, South of Tioga project, other redevelopment projects, and other Sand City community programs by Acting City Engineer/Community Development Director/City Administrator. Acting City Engineer Bittner reported that the drainage problem at Holly and California needs to be addressed. The Community Development Director sent a letter to A-1 Tiles on the drainage issue, but the City has not received a response. Mr. Matarazzo announced that the second workshop for the urban design and parking implementation plan is proposed for the October 7th meeting. City Administrator Morgan said that he met with Cathy Francini today regarding the Owner Participation Agreement for street work along Park Avenue. She does not want to pay the \$4,000 for the driveway redesign. Staff will meet with the City Engineer on this item after he returns from vacation. Councilmember Kline said she was approached by

the owners of the duplex and they were disturbed by receiving a \$3,000 bill for similar work. They were not aware of any pending charges and feels the prior owner may actually be responsible for payment because the title company did not inform them of these potential charges. Councilmember Kruper asked for background on this type of process prior to any work being done in the future. Mr. Morgan said staff will provide policy in the future. In response to a question by the Mayor, Mr. Bittner said that PG&E have been contacted to install the meter for street lights, and it should take 2-3 weeks.

AGENDA ITEM 9, NEW BUSINESS

[Due to a possible conflict of interest by residing within 500' of the project area, Councilmembers Blackwelder, Hubler and Kruper had to draw straws to determine who would abstain. As a result of that drawing Councilmembers Kruper and Hubler abstained and left the dais.]

- A. Acting City Engineer Bittner presented the City **RESOLUTION Authorizing the Acceptance of Contract Change Order No. 1 to Earthworks Paving Contractors, Inc. for Street Improvements to California Avenue, Contract No. 03-03**. The Council approved the original contract on May 6, 2003 for \$89,834. Due to additions and changes to the job, the contract increased another \$20,125.98 for a total of \$109,959.98. This project is funded in part by a CalTrans STIP allocation of \$50,000 with the balance of \$59,959.98 from the FY 2002-03 and FY 2003-04 budgets.

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

[Councilmembers Kruper and Hubler returned to the dais.]

- B. Notice of upcoming meetings and events. The League of California Cities annual conference was discussed, and several events were mentioned.

AGENDA ITEM 10, 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 (2 cases) -
- (1) *Coos Bay v. U.S. Fish & Wildlife*
 - (2) *Seaside v. Monterey Peninsula Water Management District*
- B. The Redevelopment Agency adjourned Closed Session to confer with real property negotiator in accordance with §54956.8 of the Ralph M. Brown Act


to discuss possible property negotiations (price and terms) for redevelopment purposes, APN 011-501-004 & 014 (SNG).

Negotiating Parties: Executive Director, Agency Counsel, with Shores LLC Attorney David Quintana

- C. An urgent item was added to Closed Session this evening (see item 4-A). *CalAm v. Seaside, Sand City et al*, a complaint for determination of water rights, declaratory and injunctive relief (one case).
- D. 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.
 - 10-A: No action taken on either item.
 - 10-B: There was no new information to report, no action taken.
 - 10-C: City Attorney Heisinger gave historical information of the issue and action by CalAm Water. This City should expect to be served with the lawsuit by CalAm Water in the near future.

AGENDA ITEM 11, ADJOURNMENT:

- A. Motion to adjourn was made by Councilmember Kruper, seconded by Councilmember Kline, to the next regularly scheduled City Council meeting on September 2, 2003, 7:00 p.m. There was unanimous consensus of the Council to adjourn at 8:10 p.m.



Debra Taylor, City Clerk