

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting - September 2, 2003
7:00 PM

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

There was no 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. Additional written communications distributed this evening included supplemental information from the League of California Cities on an initiative ballot measure resolution that will be considered at the annual conference.
- B. The floor was opened at 7:04 p.m. for oral communications, but there were no comments from the public. Mayor Pendergrass announced that the new photo exhibit in the gallery is by Sand City staff member Tim McFadden. The Mayor thanked Charles Pooler for designing and assembling the City newsletter that was recently mailed. The Mayor also thanked Fashion Streaks business owner Andy Briant for his special printing of children's t-shirts that will be mailed to Sand City employee Mary Hostetler who is currently serving in Baghdad. The Herald newspaper did a nice feature article on this contribution and the son (Hudson) of Sand City employee April Acuna was the t-shirt model in the photograph.

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 #310, Sal Balboa/Bay Door & Supply Company (Retail), 755 Redwood Avenue
 - (2) CUP #371, McDonald's Refrigeration (Refrigeration Service), 605 California Avenue
 - (3) CUP #385, Sally's Beauty Supply (Retail), 828 Playa Avenue
 - (4) CUP #397, Salvation Army Monterey Peninsula Corp. (Social Service), 800 Scott Street
 - (5) CDP #95-07, Giustiniani Masonry (Warehouse), 698 Ortiz Avenue
- B. There was no discussion of the August 19, 2003 Minutes.
- C. There was no discussion of the City **RESOLUTION Authorizing Acceptance of an Allocation from the Supplemental Law Enforcement Services Fund (SLESF) and Appropriation of Those Funds for Fiscal Year 2003-2004.**
- D. There was no discussion of the Monthly City/Redevelopment Agency Financial Report, July.
- E. There was no discussion of the City **RESOLUTION Supporting California Coastal Cleanup Day, September 20, 2003.**
- F. There was no discussion of the City **RESOLUTION Proclaiming the Week of October 6-11, 2003 as "Lawsuit Abuse Awareness Week".**
- G. There was no discussion of the City **RESOLUTION Amending Chapter 5, Sections 5.01B and 5.02B of the Personnel Manual** to accommodate work schedules and overtime for Police Officers.
- H. There was no discussion of the City **RESOLUTION Ratifying the Memorandum of Understanding with the Sand City Police Officers**

Association for the 4-11 Pilot Program. This pilot work program will be in effect for 6 months to determine viability.

- I. There was no discussion of the City **RESOLUTION Authorizing the City Administrator to Apply for Grant Funds Under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002.** The grant total will be \$220,000.
- J. There was no discussion of the City **RESOLUTION Approving the City Administrator to Apply for Grant Funds for the Roberti-Z'Berg-Harris Block Grant Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.** The grant total will be \$731. There has since been a notice from State Parks announcing that matching funds will not be required for this grant program.
- K. There was no discussion of the City **RESOLUTION Authorizing Addendum to Animal Shelter Services Agreement with the County of Monterey Health Department.** This addendum addresses back up animal transportation. The cost would be \$25 per adult animal and \$25 per litter of puppies or kittens.

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, PUBLIC HEARING(S):

- A. **SECOND 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. This contract change with PERS will allow for the "Fourth Level of 1959 Survivor Benefits." The employer cost is \$4.90 per month per covered member, and the employee contributes \$2 per month.

7:06 P.M. Floor Open to Public Comment

No comments.

7:07 P.M. Floor Closed to Public Comment

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

AGENDA ITEM 8, OLD BUSINESS:

- A. City Administrator Morgan gave a brief introduction on Sand City's coastal habitat issues. The goal of hiring these consultants is to get a second opinion on the HCP/snowy plover issues. City Attorney Heisinger said that attorney Tom Roth can provide strategic services and provide some limited options that may be available to Sand City. These contracts will get staff to a point of having a fairly good analysis, list of options, and future costs to address the snowy plover issue in Sand City. This will provide the City Council with enough information to make an informed decision on a very complicated and potentially expensive issue. Community Development Director Matarazzo reported that one of the LSA Associates works as a snowy plover recovery team consultant.

- (1) City **RESOLUTION Approving an Engagement Letter for Legal Services in Connection with the Preparation of a Coastal-Wide Habitat Conservation Plan (HCP) with Sheppard Mullin Richter & Hampton LLP.** This contract is for an amount not to exceed \$5,000.

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

- (2) City **RESOLUTION Approving an Engagement Letter-Revised Proposal for the Strategic Planning Phase of the Sand City Habitat Conservation Plan (HCP) with LSA Associates.** This contract will be for an amount not to exceed \$10,000.

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.

- B. Progress report on Public Works projects, City water project, South of Tioga project, other redevelopment projects, and other Sand City community programs by City Engineer/Community Development Director/City Administrator. City Engineer Kulakow reported that the City Hall landscaping plan will go out for bid next week, and will be awarded at the second meeting in October. In response to a question by Councilmember Kruper, Mr. Kulakow

will provide additional thermoplastic striping on the new crosswalks that need it.

Community Development Director Matarazzo attended the water desalination conference sponsored by the California Coastal Commission and the State Water Resources Agency. There are quite a few desal applications within California. Some of the issues mentioned included NOAA's concern about brine levels in the Monterey Bay Sanctuary; favoring projects that will somehow help the environment; international trade laws; concerns with the Moss Landing and Huntington Beach desals being done correctly; homeland/site security of a desal plant; and the preference for co-location desal plants with energy facilities. City Administrator Morgan said staff needs to research the benefit and value of acquiring in-town wells, such as the Calabrese well (off Tioga Avenue), the Ghandor/SNG well, and the DBO/Edgewater well. Larry Foy continues to set up meetings with CalAm to discuss the City's desal project. Hopefully the City Attorney will be able to meet with CalAm during the League conference in Sacramento. The City received the SNG bankruptcy notice today. The October 7th City Council meeting is the proposed date for the next workshop on the urban planning/parking project.

AGENDA ITEM 9, NEW BUSINESS:

- A. Agency Planner Matarazzo led the discussion of the Dias Avenue property. Mr. Hubbard purchased Mr. Doyle's property on Dias Avenue and would like the ability to expand their proposed project by purchasing the property that the Redevelopment Agency owns.

ROY HUBBARD (Property Owner): He bought his first two Sand City lots in the 1950s. Mr. Hubbard gave an overview and history of his properties on Ortiz Avenue that are now mixed-use. He has enough water on his existing Dias Avenue property to build eight new residential units, but would like to purchase more property and build another four units. The more units he has will help retain them as affordable. Mr. Hubbard has had indications that the neighbors would prefer to keep this as a residential-only Sand City enclave.

PAUL BYRNE (Architect): He was a contestant in the AIA CONCEPTS project and is familiar with this property. He believes the project could consist of Mr. Hubbard's three lots, the Agency's three lots for a total of 13-15 units. Because water requirements are much higher for commercial use, they are not proposing a mixed-use project. Agency member Kline expressed concerns about parking, even for 1-bedroom units. This type of development could financially contribute to a parking district project.

The Redevelopment Agency is still considering the possibility of buying the tip of the Harper property to give full use of the right-of-way for development purposes. Chairman Pendergrass said that the Shurgard water credits have not yet been allocated to the City or Redevelopment Agency by the Water Management District. He recommends that staff continue to pursue the purchase of the tip of land from the Harper family. Mr. Matarazzo said there have been a number of interested parties (Gateway Motors, Cardinale Storage, etc.) have inquired about the availability of water for their projects. Staff is recommending an analysis of actual water use for projects already approved. The Redevelopment Agency Board directed staff to take this project under submission and consider the highest/best use of water from all the projects that are being suggested and come back with their analysis at a later date.

- B. Further to a request made by Ord Terrace School teacher Charmaine Felton at the last City Council meeting, tonight there is consideration of a donation to help with the landscaping for that school. Councilmember Kruper reported that Ord Terrace School did receive the same amount of gardening resources as all other district schools. The Unified School District did agree that the school grounds were not in good condition and they appreciate Ms. Felton's efforts in improving the school grounds. Mayor Pendergrass said he would send letters to local businesses and landscaping companies to "adopt a school." Ms. Felton was present and thanked the City Council for their courtesy and consideration.
- C. The City Council considered a contribution to the World Music Festival (Cultural Council of Monterey County). Todd Kruper is a member of the CCMC Board and introduced Jessica Bluestein, media contact for the event. She distributed further information on the World Music Festival, cultural guide, and press kit. There was City Council consensus to donate \$250 for the event this year.
- D. Notice of upcoming meetings included supplemental information from the League of California Cities on an initiative ballot measure resolution that will be considered at the annual conference.

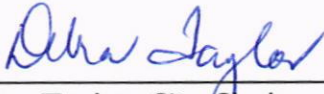
AGENDA ITEM 10, CLOSED SESSION:

- A. The City Council adjourned to Closed Session at 8:14 p.m. to confer with legal counsel regarding existing litigation pursuant to §54956.9(a) of the Ralph M. Brown Act (2 cases) -
 - (1) *Seaside v. Monterey Peninsula Water Management District*
 - (2) *CalAm Water v. Seaside, Sand City et al*

- 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. City Attorney Heisinger gave an update, but there was no action taken.

AGENDA ITEM 11, ADJOURNMENT:

- A. Motion to adjourn was made by Councilmember Kruper, seconded by Councilmember Hubler, to the next regularly scheduled City Council meeting on September 16, 2003, 7:00 p.m. There was unanimous consensus of the Council to adjourn at 8:18 p.m.



Debra Taylor, City Clerk