

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting - November 18, 2003
7:00 PM

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

Reverend David Kast 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
Linda Scholink, Administrative Services Director

AGENDA ITEM 4, COMMUNICATIONS:

- A. The additional written communications distributed to the City Council this evening was the resolution honoring Mayor Pendergrass (5-E), and an article in *Engineering News-Record* on "big box-home improvement" stores (8-A).
- B. The floor was opened at 7:06 p.m., but there were no oral communications from the public. Mayor Pendergrass acknowledged the new art exhibit by Rosa Brittain and Masiah Johnson. The reception for these artists will be held on Friday at 6:00 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 Councilmember may request that any item be placed on the Regular Agenda for separate consideration.

- A. There was no discussion of the November 4, 2003 Minutes.

- B. There was no discussion of the Monthly Police Department Activity Report, October.
- C. There was no discussion of the of City **RESOLUTION Honoring Mary Hostetler for Her Service to the United States of America and as a Middle East Ambassador of Good Will for Sand City, California.**
- D. Consideration of the City RESOLUTION Authorizing the Award of a Contract for Landscaping and Plaza Improvements at City Hall to Earthworks Paving, Inc. was discussed under agenda item 6.
- E. Approval of City RESOLUTION Honoring David K. Pendergrass for his 25 Years of Public Service and Community Leadership was discussed under agenda item 6.
- F. There was no discussion of the City **RESOLUTION Honoring Mae C. Johnson, Recipient of the Woman of Achievement Award Bestowed by the Seaside Business and Professional Women Organization.**

Motion to approve Consent Calendar items 5-A,B,C,F by title only, 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:

[Due to a possible conflict of interest by residing within 500' of the project area, Councilmember Kline abstained, and left the dais.]

- D. Consideration of City **RESOLUTION Authorizing the Award of a Contract for Landscaping and Plaza Improvements at City Hall to Earthworks Paving, Inc.** Six bids were received, and Earthworks came in with a bid of \$149,369. The following FY 2003-04 budget funds will be used for the project: \$80,000 civic center, \$60,000 water supply, and \$10,000 Campos property improvements. It maybe possible to apply some of the \$220,000 Park & Open Space grant money for this project. If the \$7,700 for the additive items is allowed, it will be by Change Order subject to approval of the City Administrator.

Motion to approve Consent Calendar item 5-D, by title only, was made by Councilmember Hubler, seconded by Councilmember Kruper. AYES: Councilmembers Blackwelder, Hubler, Kruper, Pendergrass. NOES: None. ABSENT: None. ABSTAINED: Councilmember Kline. Motion carried.

[Councilmember Kline returned to the dais.]

- E. City Administrator Morgan presented the City **RESOLUTION Honoring David K. Pendergrass for his 25 Years of Public Service and Community Leadership**. This year the annual awards banquet will be to honor the Mayor.

Motion to approve Consent Calendar item 5-E, by title only, was made by Councilmember Hubler, seconded by Councilmember Blackwelder. AYES: Councilmembers Blackwelder, Kline, Hubler, Kruper. NOES: None. ABSENT: None. ABSTAINED: Mayor Pendergrass. Motion carried.

AGENDA ITEM 7, PRESENTATION(S):

- A. The Audit Reports were presented by Theresa Courtney of Hayashi & Wayland, for Fiscal Year 2002-2003. Both the City and Agency received a "clean opinion" from the auditors; information supplied supports staff accounting. There remained \$373,921 in revenues over expenditures for the fiscal year. Date corrections were made to each resolution.

- (1) City **RESOLUTION Accepting the Audited Financial Statements for the Year Ended June 30, 2003 and Independent Auditors' Report**

Motion to approve Resolution by title only, as corrected, was made by Councilmember Kruper, seconded by Councilmember Blackwelder. AYES: All Councilmembers. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

- (2) Agency **RESOLUTION Accepting the Audited Financial Statements for the Year Ended June 30, 2003 and Independent Auditors' Report**

Motion to approve Resolution by title only, as corrected, was made by Agency member Kline, seconded by Agency member Blackwelder. AYES: All Agency members. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

AGENDA ITEM 8, OLD BUSINESS:

- A. 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. Mayor Pendergrass reported on the meeting with Home Depot representative Mike Abate which was very positive. They agreed to put up 125% of the property purchase costs if necessary, for difficult property acquisitions. Councilmember Hubler was pleased that they would employ union scale for the building construction. City Administrator Morgan

announced that a meeting is being proposed with the subcommittee (Pendergrass and Blackwelder), staff, DBO, and representatives from Lowes on November 25th.

City Engineer Kulakow reported that the landscaping bid for the civic center was awarded to Earthworks Paving. Pre-construction meetings will take place soon. Mr. Kulakow is also working with Police Chief Klein on street striping improvements using thermoplastic products. The estimated costs are \$5,000 and he hopes to start the work within the next few weeks, weather permitting. Staff met last week with John Kasunich to discuss coastal erosion setbacks and all questions will be directed to the environmental consultant working on the desal EIR. Community Development Director Matarazzo said that the Monterey Peninsula Water Management District Board election this month has seated two new favorable Boardmembers. The Water district has commenced their desal test wells on the Peninsula. It is expected that the CalAm Sand City desal proposal will probably defer to the Moss Landing site.

AGENDA ITEM 9, NEW BUSINESS:

- A. Community Development Director Matarazzo presented the water allocation request by Nadir Agha, 579 Redwood Avenue for a proposed deli. He is requesting an additional 0.065 acre feet for this use. There were no applicants or representatives at this meeting. Mayor Pendergrass said that in fairness to prior applicants that have been denied, he does not feel right in allocating any of the water remaining in our reserves. Councilmember Kruper would like to see improvements made in the West End area. In the meantime the property owner should clean up the site, add awnings, remove the barbed wire fencing to improve his property. Councilmember Blackwelder said that there is so little water remaining, and he did not want to consider individual water requests at this time, and the City/Agency has investments in local public property that may need water in the future. The applicant should wait until the desal is completed; the Sand City desal will revitalize the whole community. In the meantime, there are other uses that would be allowed on this site without the need for additional water.

Motion to deny the water allocation request for 579 Redwood was made by Councilmember Blackwelder, seconded by Councilmember Kline. AYES: All members. NOES: None. ABSENT: None. ABSTAIN: None. Motion carried.

- B. Executive Director Morgan presented the Joint Powers Financing Authority **RESOLUTION Confirming Its Officers**. There has been no activity by the FPFA and this annual filing is required by the Secretary of State.

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


- C. The City Council noted the list of current meetings/events that are occurring in and out of the City. Mayor Pendergrass announced that due to a lack of quorum, the December 16, 2003 City Council/Redevelopment Agency meeting will not occur.

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) *CalAm Water v. Seaside, Sand City et al*
 - 2) *Security National Guaranty, Inc. (Case No. 03-55847-NM)*
- 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. No action was taken on either of the above Closed Session items.

AGENDA ITEM 11, ADJOURNMENT:

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



Debra Taylor, City Clerk