

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY
City Council Chambers
Regular Meeting - November 20, 2001
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. Written communications distributed to City Council this evening included an Ordinance and Exhibit on open storage requirements (7-B); and a conceptual plan of Dias Avenue improvements (Closed Session 10-A-1).
- B. The floor was opened at 7:02 p.m. for oral communications.
TOM HARPER (Property Owner): Offered comments for Closed Session item 10-A-1 as follows: He and wife Sydney own the property that may be sold to the City on the northwest tip of Dias Avenue. They have concerns of the selling price and related tax shelter issues. Made note regarding the agreement that they don't "...have a desire to sell" but are willing to help the City with improvements to the area, therefore they would prefer not having to pay for escrow and closing costs in this instance. There has been discussion of future building with "17' above grade" being recommended as a height limit for new structures. They would like to see what that means so they don't lose their view. As stated by City Administrator Morgan, these issues will be considered in Closed Session this evening.

Mayor Pendergrass announced that invitations will be sent to residents inviting them to the first Sand City Christmas tree lighting on December 7th at 5:30 p.m. The City purchased a live tree that should grow into a nice specimen in the future - right now it's a bit small. City Administrator Morgan announced that the Orange Avenue and Sylvan Avenue escrows have closed and the City now owns the properties. The Mayor reported on an amusing story at the last Water District Board meeting.

AGENDA ITEM 5, CONSENT CALENDAR:

- A. There was a name correction made on the November 6, 2001 Minutes.
- B. There was no discussion of the Monthly Police Department Activity Report, October.
- C. There was no discussion of the monthly Fort Ord Reuse Authority Report, November.
- D. There was no discussion of the monthly City/Redevelopment Agency financial reports, October.
- E. There was no discussion of the City **RESOLUTION Honoring Edith Johnsen, Recipient of the Woman of Achievement Award from the Seaside Business & Professional Women Organization.**

Motion to approve Consent Calendar, with correction to minutes, was made by Councilmember Kline, 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. Community Development Director Matarazzo presented the SECOND READING: **Ordinance Amending Title 18 of the Municipal Code to Reclassify Certain Property (APN 011-253-007, 008, 017, & 018) from Heavy Commercial (C-2) to Heavy Commercial-Planned Unit Development (C2-PUD).** The applicant was not present. George Wilson, adjacent property owner, expressed concern about a street cutout to accommodate trees. Staff came to an agreement to relocate that particular tree area.

7:16 P.M. Floor Open for Public Comment

No comments.

7:16 P.M. Floor Closed to Public Comment

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

- B. Community Development Director Matarazzo presented the **FIRST READING: Ordinance Amending Open Storage Requirements of the Municipal Code**. The ordinance and exhibit were distributed this evening. Currently the municipal code on outside storage is applicable to unimproved property and is vague for improved property. This ordinance is intended to severely limit this sort of "natural occurrence" by requiring a use permit for all such activities. Any outside storage related to commercial uses will have to be part of a discretionary permit review process.

7:20 P.M. Floor Open for Public Comment

No comments.

7:21 P.M. Floor Closed to Public Comment

Councilmember Blackwelder asked if the dumpster for Restaurant Supply can be removed from the corner. Staff will review their use permit to check on dumpster requirements. A&R Plumbing may be moving their dumpster to property they own across the street. In response to a question by Councilmember Hubler, staff will be sending copies of this ordinance to certain businesses seeking voluntary assistance to clean up their properties.

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

AGENDA ITEM 8, OLD BUSINESS:

- A. Community Development Director Matarazzo presented the update on the proposed Housing Element revision transferring housing development potential from a waste transfer site to additional properties within the East Dunes district. City staff transmitted the draft Housing Element revisions to Housing & Community Development (HCD) for their review and received approval to remove a potential housing envelope from the transfer site (Tioga Avenue) to the East Dunes area. A public hearing will be noticed for the December 4th meeting.

- B. Discussion and direction to staff regarding *Cargill v. Metropolitan Water District of Southern California* was led by City Attorney Heisinger. Early this year the City joined an amicus brief on the above lawsuit regarding common law employees. The appeal is now pending. In summary, this is a case of monumental impact to public agencies if this common law test case is successful allowing retroactive PERS retirement benefits to contract or part time employees. They are now requesting that all participants of the amicus brief write the Supreme Court requesting a full hearing on appeal. City Administrator Morgan noted that Sand City is directly affected by this case. A former consultant, Alan Forrest, is already applying to CalPERS for benefits while working part time for Sand City. City Council gave consensus to have the City Administrator send a letter explaining Sand City's concerns.

- C. Progress report on Public Works projects, City water project, Project Study Report, pending development projects and other Sand City community programs by City Engineer/Community Development Director/City Administrator. City Engineer Kulakow reported that staff met with CalAm representatives this week regarding desal and they should respond to the City by early December; staff submitted the bike grant application for lighting on Sand Dunes Drive and has made it through the first cut - final decisions will be made by the end of December; the Robinette property has been cleaned up and the trailer will be gone soon. Councilmember Blackwelder said the Council has not addressed the status of water or desal since the new Water Board was elected. Community Development Director Matarazzo reported that the draft General Plan and Negative Declaration have been circulated and the review period ends December 31st.

AGENDA ITEM 9, NEW BUSINESS:

- A. Approval of Joint Powers Financing Authority **RESOLUTION Confirming Its Officers** was presented by Executive Director Morgan. The JPFA was formed for the bonds on the Edgewater Center. There has been no recent activity.

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

- B. Discussion of scheduling December and January City Council/Redevelopment Agency meetings. Due to a lack of quorum on December 18th the meeting has been cancelled. Due to the January 1st holiday, that meeting has been cancelled. The Council did not request any special meetings and the Mayor can convene a special meeting for any vital issues that might come up.

AGENDA ITEM 10, CLOSED SESSION:

- A. The City/Redevelopment Agency adjourned to Closed Session to confer with real property negotiator, in accordance with §54956.8 of the Ralph M. Brown Act:
- (1) To discuss possible purchase of property to enlarge civic center or use for redevelopment purposes, portion of APN 011-191-001 (Harper property)
 - (2) To discuss pending negotiations on the Roy Woods/Dr. Kay property (APN 011-177-012 & 028) and upper John Street lots (APN 011-177-009). Due to a possible conflict of interest by residing within 500' of the project area, Councilmembers Blackwelder & Hubler were excused from the rest of the meeting.
- B. The City Council/Redevelopment Agency 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) Directed staff to continue negotiations with the Harper family.
 - (2) Directed staff to continue negotiations with Roy Woods (Councilmembers Blackwelder & Hubler abstained and had left the meeting prior to this item).

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 January 15, 2002, 7:00 p.m. There was unanimous Council consensus to adjourn at 8:30 p.m.



Debra Taylor, City Clerk