

**MINUTES**  
**JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY**  
**City Council Chambers**  
**Regular Meeting - August 15, 2000**  
**7:00 PM**

---

---

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

Pastor Dave Martin led the invocation.

Police Chief Klein led the Pledge of Allegiance.

Present: Councilmember Blackwelder  
Vice Mayor Kline  
Councilmember Hubler (arrived 7:20 p.m.)  
Councilmember Wishon  
Mayor Pendergrass

Staff: Kelly Morgan, City Administrator  
Steve Matarazzo, Community Development Director  
Sidney Morris, Acting City Attorney  
Stan Kulakow, City Engineer  
Debra Taylor, City Clerk  
Charles Pooler, Associate Planner

**AGENDA ITEM 4, COMMUNICATIONS:**

- A. Written material distributed to City Council this evening included the August Fort Ord Reuse Authority (FORA) report from Mayor Pendergrass (item 5-C); and a letter received today from Lou and Martha Haddad (proposed for addition to Closed Session item 11). The Council needs to take action on this letter prior to the next Council meeting and it is necessary to add this item to tonight's agenda.

Motion to add the Haddad v. CalAm Water & State Water Resources Control Board (case #M46808), item to Closed Session, in accordance with §54954.2(b) of the Brown Act, was made by Councilmember Kline, seconded by Councilmember Wishon. AYES: Councilmembers Blackwelder, Kline, Wishon, Pendergrass. NOES: None. ABSENT: Councilmember Hubler. Motion carried.

7:03 PM Floor Opened for Oral Communications

- B. DIANA RABENOLD (Mary's Angels): In answer to her question, was told how to place an item on a future agenda by presenting it to the City Administrator or City Clerk for consideration.

The City Clerk gave an update on the status of the nomination period for the November 7, 2000 election. The nomination period for Mayor closed on Friday, August 11<sup>th</sup>, and David Pendergrass is running unopposed. There are two Council seats open and Councilmember Mary Ann Kline filed her papers on Friday and Todd Kruper also filed. Because incumbent Michele Wishon is not seeking re-election, the nomination period for Council remains open until 5:00 p.m. on Wednesday, August 16<sup>th</sup>. To date, no other citizen has taken out an election packet so the candidates may run unopposed.

7:05 PM Floor Closed for Oral Communications

**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 1, 2000 Minutes.
- B. There was no discussion of the monthly Police Department Activity Report, July.
- C. There was no discussion of the monthly Fort Ord Reuse Authority (FORA) Report, July/August. The August report was distributed this evening.
- D. There was no discussion of the City **RESOLUTION Supporting Proposition 35 - the Fair Competition and Taxpayer Savings Initiative**, as presented by City Engineer Kulakow.

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

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

No items.

**AGENDA ITEM 7, PRESENTATION(S):**

- A. Presentation was made by Diana Jacobson (Monterey County Health Department) to Police Chief Michael Klein, for his support of the Monterey County Safe Kids Coalition's for the Bicycle Safety Program. Sand City Police Chief Klein heads up the recycling/refurbishing program for bicycles. Police Chief Klein thanked the City Council for allowing this program.

**AGENDA ITEM 8, PUBLIC HEARING(S) :**

- A. **SECOND READING: Ordinance Amending Chapter 2.20 of the Municipal Code of the City of Sand City Regarding Conflict of Interest** was presented by City Administrator Morgan. The Political Reform Act requires every local government agency to review its conflict of interest code every two years. Due to revised job titles of existing staff positions, and newly designated staff positions, it was necessary to amend Chapter 2.20, Appendix A, of the Sand City Municipal Code conflict of interest.

7:10 PM Floor Opened for Public Comment

No comments.

7:10 PM Floor Closed to Public Comment

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

**AGEDNA ITEM 9, OLD BUSINESS:**

- A. Executive Director Morgan presented the Redevelopment Agency **RESOLUTION Extending the Exclusive Negotiating Agreement with King Ventures for the McDonald Coastal Site**. The Disposition and Development Agreement (DDA) negotiations are not complete and staff recommends this fourth extension of the ENA from August 15, 2000 to November 21, 2000. Mr. King agrees to make the interest payment of \$45,802 on or before October 1, 2000. In answer to a question by Agency member Wishon, the Agency Attorney stated that there are no limits to the number of times this ENA can be extended.

Motion to approve Resolution, by title only, was made by Agency member Kline, seconded by Agency member Blackwelder. AYES: Agency members Blackwelder, Kline, Wishon, Pendergrass. NOES: None. ABSENT: Agency member Hubler. Motion carried.

- B. Update on coastal projects: Mayor Pendergrass confirmed the meeting date with Assemblyman Keeley and State Senator McPherson on October 18, 10:00 a.m. at CSUMB to discuss coastal issues. The following will attend: Pendergrass, Blackwelder, Morgan, Matarazzo, and Heisinger. The California Coastal Commission is planning to consider the Monterey Bay Shores project (Ghandour) in December in San Francisco. Mr. Ghandour will not have the necessary US Fish & Wildlife 10-A Permit by that time, which will effect the Commission's decision on approving his application.

- C. Progress report on Public Works projects, Project Study Report (PSR) on Highway One, City water project, and other Sand City development projects. Community Development Director Matarazzo reported that staff met last week with CalTrans to discuss the PSR which included topics on the railroad crossing, intersection design at Fremont & Military, funding and staging. The California Coastal Commission wants approval from CalTrans on the Monterey Bay Shores (MBS) traffic mitigation before they give their consideration of the project. Alterations to the railroad track grade crossing would be very expensive. Sand City has met obligations regarding the building of the Edgewater Shopping Center except for installing a railroad crossing guard which is not necessary at this time. There was a suggestion to reroute the Ord Avenue intersection. City Engineer Kulakow pointed out that very few PSR's have been completed in Monterey County. With an approved PSR, there may be some state funding available. Without the PSR being completed, nothing will occur and the PSR must be completed prior to requesting funds. Staff is preparing a letter to the Public Utilities Commission (PUC) to clarify future improvements to the railroad crossing which will be signed jointly by Sand City, TAMC and CalTrans.

City Engineer Kulakow gave a status report on the street work. The paving was completed last Saturday when there was less traffic and fewer disruptions to businesses. This included raising the manholes and mailboxes. They will start next week on the planters; striping and crosswalk work will commence in 2 weeks. Al Saroyan is also starting improvements to his property on 718 Redwood.

**AGENDA ITEM 10, NEW BUSINESS:**

- A. By consensus, the Council designated Mayor Pendergrass as the City's delegate, and Vice-Mayor Kline as the alternate representatives for the annual League of California Cities conference in Anaheim.
- B. Associate Planner Pooler gave a status report on the City's compliance with the 50% waste diversion State mandate (AB939). Don Prescott (Monterey Regional Waste Management District) has been supportive to City staff. Prior to submitting an application to the State for an adjustment of the City's diversion rate, staff and Don Prescott are scheduled to visit and review the City's franchise waste hauler's (Waste Management) facility. Currently the City's recycling rate is evaluated by a 1990 base year; the application would change this to a 1999 base year and a diversion rate of 51%. Waste Management took over garbage collection without notice to cities. Salinas was unhappy with their recycling efforts, fired Waste Management, and hired a new company out of San Jose.

Mayor Pendergrass praised Mr. Pooler for the excellent job he has done in meeting the City's waste diversion recycling efforts. The Mayor also indicated that he will be scheduling a meeting with Waste Management representatives to review our recycling efforts.

- C. Due to the Labor Day weekend and numerous Council/staff members attending the League conference, there was consensus to cancel the September 5, 2000 Council meeting.

7:50 PM Recess  
8:01 PM Reconvene

**AGENDA ITEM 11, CLOSED SESSION:**

- A. Council/Redevelopment Agency adjourned to Closed Session to confer with legal counsel to consider initiating litigation, in accordance with §54956.9 of the Brown Act [continued from the August 1, 2000 meeting].
- B. In accordance with §54954.2(b) of the Brown Act, and as approved by the City Council this evening, the following agenda item was added to Closed Session: Lou and Martha Haddad v. California-American Water Company and State Water Resources Control Board, Case #M46808.
- C. Readjourned to Open Session to report any action taken at conclusion of Closed Session in accordance with §54957.1 of the Brown Act. Under item A, the Council/Redevelopment Agency reaffirmed their previous action and direction to the City Attorney to file action to recover the amount due from Mr. Ghandour under the note. Under item B, the City Attorney gave a report on the latest developments of this case and no action was necessary or taken.

**AGENDA ITEM 12, ADJOURNMENT:**

- A. Motion to adjourn was made by Councilmember Hubler, seconded by Councilmember Kline, to the regular City Council meeting on September 19, 2000, 7:00 pm. The September 5, 2000 meeting was cancelled due to lack of quorum. There was unanimous Council consensus to adjourn at 8:25 p.m.



Debra Taylor, City Clerk