

MINUTES
JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – August 5, 2008
CITY COUNCIL CHAMBERS
7:00 P.M.

Mayor Pendergrass opened the meeting at 7:01 p.m.

The invocation was led by Reverend Carl Kelleher

The Pledge of Allegiance was led by Police Chief Klein

Present: Council Member Blackwelder
 Council Member Carbone
 Mayor Pendergrass
 Council Member Hubler
 Council Member Morris -(excused absence)

Staff: Steve Matarazzo, City Administrator/Community Development Director
 Jim Heisinger, City Attorney
 Richard Simonitch, City Engineer
 Michael Klein, Police Chief
 Linda Scholink, Director of Administrative Services

AGENDA ITEM 4, COMMUNICATIONS

A. Written communications distributed to the Council this evening was a revised resolution for agenda item 5L.

B. Oral Communications

7:03 p.m. Floor Opened for Public Comment
 No Comments

7:03 p.m. Floor Closed to Public Comment

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 Council member may request that any item be placed on the Regular Agenda for separate consideration.

A. There was no discussion on the following Conditional Use Permits.

- (1) CUP #321, John Groves (Open Storage), 872 Afton Avenue
- (2) CUP #368, Jersey's (Sandwich Shop), 832 Playa Avenue
- (3) CUP #453, Surfwarez.com (internet sales/retail), 448 Orange Ave

- (4) CUP #257, Precision Porsche (Auto Repair), 475-A Olympia Avenue
 - (5) CUP #345, James Obara (Mobile Home), 770 Tioga Avenue
 - (6) CUP #370, Economy Cleaners (Dry Cleaners), 840 Playa Avenue
 - (7) CUP #378, Carmel Glass Company (Glass Contractor), 613-B Ortiz Ave.
 - (8) CUP #388, Sanctuary Rock Gym (Recreation), 1855-A East Avenue
 - (9) CUP #396, McDonald's Restaurant (Fast Food), 990 Playa Avenue
- B. There was no discussion on the July 15, 2008 Sand City Council Meeting Minutes
 - C. There was no discussion on the Fort Ord Reuse Authority (FORA) Report, July 2008
 - D. There was no discussion of City **RESOLUTION** Authorizing Renewal of Animal Shelter Services with the County of Monterey Health Department and Approving Amendment No. 5 to A-09687
 - E. There was no discussion of City **RESOLUTION** Approving a 90-Day Time Extension
 - F. There was no discussion of City **RESOLUTION** Proclaiming September 21-September 27, 2008 as Sea Otter Awareness Week
 - G. There was no discussion of City **RESOLUTION** Appointing Richard Simonitch as an alternate to the Transportation Agency for Monterey County Board of Directors
 - H. There was no discussion of City **RESOLUTION** Authorizing an Agreement between
 - I. There was no discussion of City **RESOLUTION** Authorizing Renewal of a Maintenance Services Agreement with Hope Rehabilitation Services
 - J. There was no discussion of City **RESOLUTION** Authorizing payment of \$500 donation
 - K. There was no discussion of City **RESOLUTION** Opposing Fiscally Irresponsible State Bu
 - L. There was no discussion of City **RESOLUTION** Approving a Budget Appropriation and Transfers totaling \$42,000 in order to Purchase a Public Works Back Hoe Tractor with a Front Loader

Motion to approve the Consent Calendar was made by Council Member Hubler, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler and Pendergrass. NOES: None. ABSENT: Council Member Morris. ABSTAIN: None. Motion Carried.

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled.

AGENDA ITEM 7, PUBLIC HEARINGS

- A. The City Administrator presented the Ordinance for second reading. The first reading was approved at the previous Council meeting. This Ordinance adopts the 2007 California Building Codes that is followed and enforced by the City of Monterey.

7: 05 p.m. Floor Opened for Public Comment

No Comments

7:05 p.m. Floor Closed for Public Comment

Motion to approve the **Second Reading of the Ordinance** Adopting the 2007 California Building Code and Appendix Chapter J; 2007 California Mechanical Code; 2007 California Plumbing Code; 2007 Uniform Electrical Code; 1997 Uniform Administrative Code; 2006 International Existing Building Code; 2006 International Property Maintenance Code; 2007 California Fire Code, Including Appendix Chapter 1 and Appendices A, B, C, D, M and R was made by Council Member Carbone, seconded by Council Member Hubler. ROLL CALL VOTE: AYES: Council Members Blackwelder, Carbone, Hubler and Pendergrass. NOES: None. ABSENT: Council Member Morris. ABSTAIN: None. Motion Carried.

AGENDA ITEM 8, OLD BUSINESS

- A. The City Engineer reported on the City-wide striping which is mobilized and close to completion. Everything is looking good. After staff and Council discussion it was decided the City Engineer would come back to the Council in September or October with a complete package of street work. The bid package would include street work for Elder, California and Dias streets.

The City Administrator reported on the meeting that he and the Mayor attended with Don Orosco. Mr. Orosco estimates construction is about two years away. He stated this is a good time to be planning a project and he hopes to have the plans before the Council before the end of the year. Mr. Orosco thinks this will be at least a \$200 million dollar project. The Mayor said he was encouraged by the meeting.

The City Administrator mentioned that he spoke with Ed Ghandour last week. Mr. Ghandour is working on his addendum to the EIR. He has also been advised to send his Habitat Protection Plan to the US Fish & Wildlife Service before he goes before the Coastal Commission.

- B. The Mayor, City Administrator, and the City Attorney briefed the Council on the July trip to Sacramento for the State Water Resources Control Board (SWRCB) hearing. The purpose of the meeting was to attend and participate in the "cease and desist order" (CDO) hearings regarding the Cal-Am Water diversions on the Carmel River. If the CDO is adopted as drafted, an initial 15% water reduction would be required from Cal-Am customers, with an ultimate reduction of 50% required over the next several years, until a water project large enough to eliminate the over-pumping on the Carmel River is constructed. The Mayor complemented Dave Laredo on doing an excellent job cross examining the senior engineer, Mr. Mark Stretars, who was presenting incomplete information at the hearing. The calculations that Mr. Stretars was presenting for the

reduced water supply did not include all of the tourist population or the commercial and industrial development on the Monterey Peninsula; therefore the calculations he presented were not based on complete and accurate information.

The City Attorney complimented the City Administrator on doing a good job describing our desalination plant to the SWRCB. The City Attorney said the hearings will proceed Thursday and Friday of this week. There are several additional steps after the hearing. When they finally come to an agreement it will be presented at a public meeting. The Mayor's were on the stand for about 6 hours. He emphasized what a difficult political process it is. The Mayor said that is was both exciting and frustrating at the same time.

- C. The City Engineer reported on the progress and completion of the Sand City Water Supply Project. He said that the construction of the treatment facility is about 2 weeks behind schedule. Some of the process equipment has been delivered to the site. The wells and pipelines are about 3 weeks behind schedule. Overall we are a few weeks behind schedule but everything should come together for testing in December of this year. The bills will be coming in fast and furious for the next several months. The plan is to hand out keys in late February or early March of next year.

AGENDA ITEM 9 , NEW BUSINESS

- A. It was proposed that the City Council cancel the City Council Meeting Scheduled for September 2nd due to the Labor Day Holiday. There was Council consensus to cancel the meeting due to a lack of a quorum able to attend that day.
- B. The City Engineer recommended approval of the contract with the Monterey Peninsula Water Pollution Control Agency (MRWPCA) for Business Facility Inspection Services for the City of Sand City National Pollutant Discharge Elimination System (NPDES) Storm Water Program. On September 8, 2006 Sand City was issued a National Pollutant Discharge Elimination System (NPDES) Permit by Resolution No. R-3-2006-0076 of the Central Coast Regional Water Quality Control Board (Regional Board) for the discharge of storm water for a 5-year period through September 7, 2011. The Resolution requires that the City implement a business facilities inspection program. Should the City fail to implement or enforce the terms of said permit, it may be found to be in violation of it NPDES permit by the Regional Board.

It is the City Engineer's opinion that MRWPCA has both the experienced personnel and resources to perform these inspections. Currently MRWPCA performs these inspections for the cities of Monterey, Seaside and Marina. The agreement would be for a four year period ending September 7, 2011. The annual cost is estimated at \$7,000- \$8,000 per year.

There was some confusion by Council between the resolution and the attached agreement regarding the costs and the time frame for completing all the inspections. After discussions, the resolution was amended to reflect the contract period and costs to concur with the agreement and the exhibits. The company has four years to complete all the inspections, they are proposing to get them done in two years.

Motion to approve the **Amended Resolution** of the City Council of the City of Sand City Authorizing Execution of an Agreement with MRWPCA for Business Inspections Services in Sand City was made by Council Member Carbone, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler and Pendergrass. NOES: None. ABSENT: Council Member Morris. ABSTAIN: None. Motion Carried.

- C. The City Engineer reported that in July of 2007 he had received authorization from the City Council to advertise for bids of the pipelines, feed wells and concentrate disposal well for the Sand City water project. During the bid process it became evident that the prime contractors were unable to complete their bids due to the fact that no directional drilling subcontractor firms were able or willing to comply with the terms of the bond requirements for the concentrate disposal well. No bonding company was willing to fully guarantee the successful installation of a sub-surface discharge well where several uncontrollable factors could negatively impact the performance of the well. In order to receive timely bids for the remaining work, an addendum was issued removing the concentrate disposal well from the pipelines/feed well contract. The contract documents were rewritten slightly. No bids were received for the project, so the City Engineer began sole source negotiations with Directed Technologies Drilling, (DTD). DTD's proposal has been reviewed by the City Engineer, and is reasonable for the work as shown on the plans. DTD proposes to construct and test the disposal well for the lump sum fee of \$592,600. There will be a pre-construction meeting with the contractor prior to starting construction.

Jim Doesburg, of Directed Technologies Drilling, was asked to come to the podium and answer some questions from the Council. He described in great detail the process of the directional drilling they will be doing. They will be working 24-hour work days for two days, because parts of this process are very time sensitive. He has worked with this technology since 1994. Most people that do this type of work are drilling for oil. He will be out here with his most experienced operators, and they want this project to work as much as we do. If the bore they are proposing to use cannot complete the job as needed with the 120,000 lb. drill rig, then there will be an additional charge (\$250,000) to mobilize a 330,000 lb drill rig to the job site. This is a challenging and innovative project and they believe that they have developed a sound approach, and have the right group of engineers, geologist and drillers to meet any of the challenges they are likely to come up against during this project.

Motion to approve the City **Amended RESOLUTION** Authorizing Award of the Brine Disposal Well Project Contract in Sand City, California to Directed Technologies Drilling, Inc. was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler and Pendergrass. NOES: None. ABSENT: Council Member Morris. ABSTAIN: None. Motion Carried.

- D. The City Clerk asked for RSVP's on the Upcoming Meetings and Events.

AGENDA ITEM 10, CLOSED SESSION

Closed Session was not held due to a lack of an eligible quorum.

Agency Board to adjourn to Closed Session to confer with real property negotiator in accordance with Section §54956.8 of the Ralph M. Brown Act regarding real property negotiator, Steve Matarazzo, Executive Director regarding the acquisition of specific properties located at 525, 537, and 539 Ortiz Avenue, and 512 Redwood Avenue (APN 011-196-004, 013, 019, & 020) Carroll Property.

AGENDA ITEM 11, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Blackwelder, seconded by Council Member Hubler to the next regularly scheduled Council meeting on August 19, 2008, 7:00 p.m. There was unanimous consensus of the Council to adjourn the meeting at 8:40 p.m.

Linda K. Scholink, City Clerk