

# MINUTES

## JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

---

Regular Meeting – September 16, 2008  
CITY COUNCIL CHAMBERS  
7:00 P.M.

---

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

The Pledge of Allegiance was led by Police Chief Klein

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

Staff: Steve Matarazzo, City Administrator/Community Development Director  
Jim Heisinger, City Attorney  
Richard Simonitch, City Engineer  
Michael Klein, Police Chief  
Charles Pooler, Associate Planner  
Connie Horca, Deputy City Clerk

### AGENDA ITEM 4, COMMUNICATIONS

A. Written communications distributed to the Council included a resolution for approval of website services with Pacific Municipal Consultants (PMC) (Agenda Item 9B), a formal letter from DBO Development (Agenda item 9A), a response letter to the Civil Grand Jury in response to the addendum request (Agenda item 5I), and a letter from the Coastal Commission to Ed Ghandour regarding the Monterey Bay Shores Resort Coastal Development Permit Application Review Package (Agenda item 8C).

B. Oral

7:09 p.m. Floor opened for Public Comment

Ron Weitzman, member of Monterey Friends of Locally Owned Water, commented on behalf of one of their members, Manuel Fierro. The San Clemente Dam would cost approximately 75M dollars to bring the dam into compliance with seismic and environmental regulation standards. The division of rate payers advocates responded to the request by Cal-Am for rate a increase in 2009-2010. Cal-Am would like to pass that cost on to the rate payers. The rate payer advocates of the CPUC

are against this request and, believe that Cal-Am should be assigned the entire cost. The other item is in regard to Sand City. Both Cal-Am and the Division of Rate Payers Advocates state that it would cost Cal-Am approximately 1 million dollars a year to deliver the water from Sand City's desalination plant.

Council member Carbone commented that the Annual Beach Clean up will be held this Saturday, September 22, 2008 from 9:00 a.m. – 12:00 p.m. The Council and residents are encouraged to participate. Refreshments will be served.

7:14 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. Conditional Use Permits (CUP) and Coastal Development Permits (CDP) 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. There was no discussion of the following Conditional Use 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 466, Ferguson Enterprises, 655 Ortiz & 666 Redwood Avenue
- B. There was no discussion of the August 19, 2008 Sand City Council Meeting Minutes.
- C. There was no discussion of the Public Works Monthly Report, August 2008.
- D. There was no discussion of the Monthly Police Department Report, August 2008.
- E. There was no discussion of the City/Redevelopment Agency Financial Report, June 2008.
- F. There was no discussion of the City **Resolution** approving a 90-Day Time Extension of Conditional Use Permit 473 for Web Commerce LLC to continue their wholesale/retail operation as an interim use at 865 Fir Avenue.
- G. 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 2008-2009.

- H. There was no discussion of the 2008 Local Agency Biennial Notice recognizing no Amendment is required of the Municipal Code of the City of Sand City regarding Conflict of Interest.
- I. There was no discussion of the Monterey County Civil Grand Jury Response to Federal NIMS Training Requirements.
- J. There was no discussion of the donations/contribution to Angelia K. Avita, North Monterey County High School Band for \$100.

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

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

There were no items pulled.

## **AGENDA ITEM 7, PUBLIC HEARINGS**

*{Council member Blackwelder stepped down from the dais due to a possible conflict of interest by residing within 500' of the subject property}*

- A. Associate Planner Charles Pooler presented the consideration of a City Resolution approving Coastal Development Permit 08-07 authorizing a consulting office and classic automobile storage within an existing commercial building at 1801 Catalina Street. The applicants, Sandra and Martin Button, submitted an application to use an existing commercial building for office and storage for their consulting, public relations, and marketing firm that manages the Pebble Beach Concour's d'Elegance event. The building is a 7,260 square foot 2-story building originally built as a self storage facility, but later converted to an office and storage facility. The applicant plans to use the upper level for office and the lower level for storage of the applicant's personal car collection. There is adequate on-site parking and adequate water credit for the proposed use. There is no anticipated nuisance. There will be no vehicle maintenance or other service work. The building is about 13 feet away from Highway 1 with no barricade or other safety devices along this section of the freeway. City staff has contacted Cal-Trans to pursue installation of a barricade; however Cal-Trans declined this request. The Council may wish to consider making it a requirement as part of the use permit for the property owner and/or applicant to pay for such an improvement to this building. Staff recommends installation of a barrier due to the office nature of the proposed use. Staff recommends approval of the coastal use permit.

Mayor Pendergrass commented that in the case of an accident occurring, would the City assume liability or would the owner take responsibility for the liability.

There was further discussion of installing a guard rail in the event that a motorist should careen off the road. The issue is whether the City is liable for an accident happening at this site, or would the property owner/Cal-Trans be responsible?

City Attorney Jim Heisinger commented that a viable solution would be to give the applicant an option to install a protective barrier or give the City an indemnity agreement holding the City harmless. This is an option that has been used before.

Council member Morris added that he is in agreement with the City Attorney's suggestion.

7:25 p.m. Floor opened for Public Comment

Martin Buttons, the applicant commented that he would very much like to move their current offices to Sand City. In regard to the barrier, the building foundation is about 10-12 feet below road grade. From a practical standpoint, a barrier should be installed at road level. As the tenant of the building, he would have no objection with providing an indemnity agreement. Mr. Button added that he is in agreement with the conditions of the permit.

Pete Ericksen, property broker called Cal-Trans to see what could be done on the freeway side of the fence. Cal-Trans does not feel it is necessary to install a guard rail. If it were a simple matter to install a guard rail, the cost would be approximately \$35.00 dollars per linear foot.

7:37 p.m. Floor closed to Public Comment

Mr. Heisinger added that the building was originally constructed for warehouse purposes. The intended use for the property would contain some very valuable property within the building as offices at the upper level and very expensive automobiles downstairs. All the City is requesting is some sort of waiver from liability allowing the property owner to continue to use the building. The property owner would install the barrier at whatever cost or hold harmless the City should a vehicle swerve off the freeway into the building.

Associate Planner, Charles Pooler suggested that condition number 9 of the permit be modified to read: *If Cal-Trans refuses to participate with the installation of a guardrail or other effective barrier, the property owner shall provide the City with written indemnity subject to City Attorney review and approval, to hold the City harmless, prior to use of the site.*

Motion to approve City **Resolution** approving a Coastal Development Permit 08-07 authorizing a Consulting Office and Classic Automobile Storage within an existing commercial building at 1801 Catalina Street as amended was made by Council member Morris, seconded by Council member Carbone. AYES: Council

members Carbone, Morris, Pendergrass. NOES: None. ABSENT: Council member Hubler. ABSTAIN: Council member Blackwelder. Motion Carried.

***{Council member Blackwelder returned to the dais}***

- B. City Administrator Steve Matarazzo presented consideration of a negative declaration regarding a proposed ownership transfer of property, a 2.3 acre parcel from Granite Construction to the City of Sand City (APN 011-501-016). It is anticipated that a conveyance agreement would be ready for the Council at the first meeting in October. This item was advertised for final comments on the negative declaration, and he requested that the floor be opened for public comment. A few corrections on the negative declaration are on page 101 in paragraph two that states "The project site was historically used in sand mining operations" would be changed to read, "*The project site was historically used for corporate yard activities for Granite Construction Company ...*" the same amendment would also apply to the second paragraph under Section B on page 110. Staff recommends the approval of the resolution certifying the negative declaration.

7:41 p.m. Floor opened for Public Comment.

There was no comment from the Public.

7:42 p.m. Floor closed to Public Comment.

Motion to approve City **Resolution** of the City Council of Sand City adopting and certifying a negative declaration for the proposed transfer of approximately 2.3 acres of property from the ownership of Granite Construction Company to the City of Sand City, as amended, was made by Council member Blackwelder, seconded by Council member Carbone. AYES: Council members Blackwelder, Carbone, Morris, Pendergrass. NOES: None ABSENT: Council member Hubler. ABSTAIN: None. Motion Carried.

**AGENDA ITEM 8, OLD BUSINESS**

***{Council member Morris stepped down from the dais due to a possible conflict of interest by residing within 500' of the subject property}***

- A. City Administrator Steve Matarazzo introduced Dave Watson and John King from King Ventures. King Ventures revised the original project as the coastal erosion setback was not accurate. The architect did not originally account for the sewer force main, with major grading needed in that area. The new plan avoids grading that would have required relocation of the force main.

Dave Watson presented the status report and presentation on behalf of King Ventures on the Collections at Monterey Bay Resort Project. King Ventures appreciates the opportunity to come before the Council to inform them how diligently King Ventures has been working on the project. As Mr. Matarazzo has mentioned, further adjustments were made to the setbacks. The project as

proposed is 325 units, with a conference center, a restaurant and parking facilities. The total project encompasses the Sterling/McDonald site north of Tioga Avenue. More public space has been incorporated into the conference area relocating to the north end of the project adjoining the Granite Rock site. Primary food service is located in this area as well as the intensification of underground valet, public and self-service parking, containing 3 distinctive levels, which has been recessed so that it is been hidden away. A more unified architectural design for the project would utilize Carmel rock, stucco, and heavy timber in buildings that vary between 2 to 4 levels. The Draft Environmental Impact Report (DEIR) will be reviewed with changes as the few remaining issues are resolved. It is King Ventures understanding that after completion of the DEIR, the resort plans and applications will be open for public review.

Mayor Pendrgrass commented that the EIR is already in process, it is presently being modified to reflect the changes in the actual project.

City Administrator Steve Matarazzo added that the primary reason in distributing the Monterey Bay Shores letter is that the CEQA process states that once the notice of preparation for the environmental impact report (EIR) goes out, the date of notice is the base line date by which all impacts are judged. The current environmental impact report (EIR) reflects the 2006 setback line. What the Coastal Commission may be requesting from King Ventures is that by the time it goes to the Coastal Commission on appeal, what is that erosion setback line? The Council needs to be aware that some consultants estimate that the coast may erode at three feet per year. A letter from the consulting geologist may be an option that states accretion or no erosion has occurred since the 2006 erosion setback line.

7:53 p.m Floor opened to Public Comment

Mark Weller for United Here Now Local 483 commented that he represents the local hotel workers in the Monterey Peninsula. Changes that have occurred in the last seven years are the nicer hotel rooms. A few things that have not changed is the past few years is that when the disposition and development agreement was approved, the City Council has made a strong commitment to the local workers here and labor language was negotiated. While Ed Ghandour has signed on the dotted line with the labor union and as the project moves forward, United Here Now Local 483 would like to express that King Ventures honor that commitment to the local workers as well.

7:59 p.m. Floor closed to Public Comment.

***{Council member Morris returned to the dais}***

- B. City Engineer Richard Simonitch presented a City resolution authorizing an increase to the contingency amount for the Sand City Water Supply Wells and Pipeline Project. On October 16, 2007, the wells and pipeline project was awarded to the low bidder, MGE Underground. A contingency amount of 10% was approved for construction change orders. Current and pending change

orders are estimated to be in the range of \$462,620 dollars, which is well over the original contingency amount. Most of the increase is due to combining the "Feed Pump Stations Project" with the current Wells and Pipelines Project. Two change orders submitted are for the pipe and material cost escalation caused by delays in awarding the Bid (waiting for the Coastal Commission Permit) with some adds and deducts for valves and cross connections. Change order 2 provides for extra re-mobilization due to the increased area required for the Black Legless Lizard relocation and 6 weeks rental for discharge piping. Change order 3 provides for the installation of a subsurface Storm Water Infiltration System on the desalination plant site, with an estimated cost of \$57,800. Change order 4 provides for additional instrumentation for flow meters and sampling stations on feed lines that will monitor the flow quantity and salinity of the brackish feed directly from the feed pipelines at Bay and Tioga. Change order 5 provides for the purchase of Feed Pumps, a Well Head and Well Vaults at the four feed well locations. This work was intended to bid as a separate project. In an effort to save time and money on mobilization costs and coordination associated with multiple contractors working on the same project. These change orders and contract adjustments are being requested. This work was offered to MGE Underground who will subcontract the pump installation to Salinas Pump Company. Additional project costs to be assessed in the future include trenching for PG&E power from the PG&E pole to the plant site, and completion of the horizontal discharge well. Staff recommends the approval of the attached resolution.

City Administrator Steve Matarazzo reviewed the desalination contracts ledger with the City Council. The estimated expenses can be accommodated within available funding for this project, with a sufficient reserve remaining.

At Mayor Pendergrass' request, a copy of the desal contracts ledger was distributed to the City Council.

Motion to approve the City **Resolution** authorizing an increase of the contingency amount for the Sand City Water Supply Wells and Pipeline Project from \$150,836.00 to \$500,836.00 was made by Council member Blackwelder, seconded by Council member Carbone. AYES: Council members Blackwelder, Carbone, Morris, Pendergrass. NOES: None. ABSTAIN: None. ABSENT: Council member Hubler. Motion Carried.

- C. City Administrator Steve Matarazzo reported on the Monterey Bay Shores letter distributed to the Council. This letter shows that Mr. Ghandour has a lot more work ahead of him. Mr. Ghandour is expecting a December meeting with the Coastal Commission to review his project; and a future conversation with Mr. Ghandour should reflect his thoughts on the subject. The second issue is in relation to the King Ventures project. The Council and King Ventures are acutely aware that two projects should not go before the Coastal Commission at or near the same time. If Ghandour's project is delayed for a significant term, it may be advisable for King Ventures to proceed ahead of Mr. Ghandour. A meeting with the developers and

consultants should give the City a good indication of how to proceed and which project should go first. The Coastal Commission is expecting "design development drawings" of what the project would look like. As mentioned in an earlier conversation, Mr. Ghandour should have these drawings ready to present to the Council at the October 21, 2008 Council meeting.

Mayor Pendergrass commented that on page 10, of the Monterey Bay Shores letter, item 9 states "Thus, please provide written evidence from the City of Sand City: 1) that the proposed project requires no discretionary approval from the City or that the City would prefer to act on the project after the Coastal Commission has acted; and 2) that clearly describes the status of the City's' draft EIR addendum, including in relation to any necessary public comment periods and a proposed schedule for finalizing and certifying the addendum." What would Sand City's response be with regard to the request?

Mr. Matarazzo replied that that it is recommended that Mr. Ghandour submit his plan to the City Council for preliminary review before it goes to the Coastal Commission.

City Attorney Jim Heisigner recommended that the options the City may consider would be to have some formal presentation of the project before it is considered by the Coastal Commission. Another option would be to have the Community Development Director have the project go through preliminary approval through the City, as if it is an entirely new project, and restart the application process again.

Mr. Matarazzo commented that, if the Coastal Commission denies the project, there would be no reason to act on the addendum.

Mayor Pendergrass suggested a workshop on Ghandour's project possibly an hour before a regularly scheduled City Council meeting.

City Engineer Richard Simonitch reported that the design drawings for the rehabilitation of the City Streets are in process. Four PG&E poles need relocation. Staff called PG&E regarding which poles need to be moved at PG&E's expense and which poles need to be moved at the City's expense. PG&E is working on how this project may move forward. It is estimated to take another 8-12 weeks before the City will see anything from PG&E and before the project goes out to bid. Staff also met with Bellinger, Foster & Steimentz, requesting that they provide more drawings for presentation to the Council regarding final construction documents for the Bay Avenue project, which are the beach access improvements that may go out to bid in November.

City Administrator Steve Matarazzo reported on a meeting with the AMBAG Board to discuss the sediment management plan for southern Monterey Bay. This meeting was initiated by the City of Monterey, whose beachside condominiums are constantly battered. AMBAG is looking into some form of a long term solution to erosion and sediment planning. A two hundred page

report recommended that the sand dunes along the Bay continue to erode, since it constantly provides beach sand and that the coastal cities. The plan would also require LCP's be amended to specify 100 year setbacks instead of 50 year setbacks. The Mayor, who was also present at the meeting, made a few suggestions as it relates to Sand City. One point presented to the AMBAG Board was that it would not be feasible to require a 100 year setback for Sand City since the shoreline is so narrow and has valuable infrastructure within the shore such as the regional sewer main, the coastal bike trail, and restored natural habitat. That type of language was adopted by the AMBAG Board as part of the final plan.

## **AGENDA ITEM 9, NEW BUSINESS**

***{Agency member Morris stepped down from the dais due to a possible conflict of interest by residing within 500' of the subject property}***

- A. City Administrator Steve Matarazzo reported that this may be the final recommended amendment to the exclusive negotiating agreement that concerns the South of Tioga area. Under the resolution, Exhibit A suggested changes to be made to include under *RECITALS: 7. The Agency and Developer now desire to amend and restate the Exclusive Negotiation Agreement they made on October 2, 2001 as hereinafter set forth. Under AGREEMENT: 3. Term of Agreement. The term of this Agreement is hereby extended to September 15, 2009 or such time as the parties enter into a development agreement or OPA, whichever occurs first, at which time this Agreement shall expire and be of no further force or effect. The term of this Agreement may be extended by mutual consent of the parties and 3.A Early Termination Agreement. Notwithstanding the provisions of the preceding paragraph 3, Agency shall have the right to terminate this Agreement if Developer fails to submit: (a) to the Agency conceptual plans for the project on or before March 15, 2009; or (b) to Sand City a complete application for the project on or before September 15, 2009. The conceptual plans shall be accompanied by the financial projections described in paragraph 7. In the event Developer fails to submit the conceptual plans or complete application by the times specified in this paragraph 3.A, Agency may act at a duly noticed public hearing to terminate this Agreement.*

At the conclusion of Mr. Matarazzo's report, a sheet with these changes was distributed to the City Council.

Mr. Don Orosco reported to the Council that all the property except less than an acre for the project site has already been acquired. It is very time consuming work trying to negotiate with the property owners, not to mention the added cost associated with holding the property. Mr. Orosco communicated that he was able to acquire the Ross and Marotta properties with the City's assistance. Another challenge is the responsibility to get the project right. There is one property owner that the Orosco Group has had

difficulty communicating with, and therefore requests further assistance from the City to open communications with this property owner.

Mayor Pendergrass commented that a part of the proposed development is located within a protected habitat area. Mr. Orosco would need to have some form of final approval from the U.S. Fish and Wildlife Service.

City Attorney Jim Heisinger pointed out a few typographical errors in the agreement that needed to be changed.

Motion to approve the Redevelopment Agency **Resolution** authorizing an Eleventh Amendment to the Exclusive Negotiating Agreement (ENA) with DBO Development now known as the "Orosco Group" for Redevelopment of the area known as the "South of Tioga" by title, as amended, was made by Agency member Blackwelder, seconded by Agency member Carbone. AYES: Agency members Blackwelder, Carbone, Pendergrass. NOES: None. ABSENT: Agency member Hubler. ABSTAIN: Agency member Morris. Motion Carried.

***{Agency member Morris returned to the dais}***

- B. City Administrator Steve Matarazzo introduced Tad Stearn from Pacific Municipal Consultants (PMC) to describe his work with several other cities on website renovation and maintenance services. Also, Mr. Jerry Blackwelder, who is part of the Website Oversight Committee, will be giving a report on behalf of Debra Blackwelder who was unable to attend.

Mr. Blackwelder reported that when the website was developed, the City contracted with local individuals. The site is very attractive, and the Committee would like to maintain the artistry that is currently there. The objective now is to upgrade the site with more easier accessible information, and have more textual content on the police webpage. The City is involved in many local events, in which the Police Department is involved; and it would be nice to have this reflected on the website. It is important to have the website explain who we are as a City, especially where the funds are being allocated. Another area of importance is the City Center. It would be informative to show the progress of the desal plant as it is being built, and community involvement as it pertains to the West End District. The purpose of having the website is to allow the public a window into Sand City. The Oversight Committee recommends the services of Pacific Municipal Consultants (PMC).

Tad Stern consultant for PMC, commented that the website text will be upgraded to be more fluid with more detail, and a content management system would ensure that City staff would be able to manage the website, thus cutting the cost of having a retainer paid for a webmaster. The system is much easier to use than the current system the City is presently using. There would also be a visual simulation of the future condition of a West End Street.

Mayor Pendergrass added that Staff and the Oversight Committee seem to have come to a reasonable agreement for the structure and renovation of Sand City's website.

Motion to approve the City **Resolution** with Pacific Municipal Consultants (PMC) to provide Website Renovation and Maintenance Services was made by Council member Pendergrass, seconded by Council member Carbone. AYES: Council member Blackwelder, Carbone, Morris, Pendergrass. NOES: None. ABSENT: Council member Hubler. ABSTAIN: None. Motion Carried.

- C. City Attorney Jim Heisinger reported on a City resolution to amend Chapter 5, Section 5.14B of the Sand City Personnel Manual. Last year Staff encountered a tax issue with the certified public accountants requesting that the City review and revise the travel and expense reimbursement policy. The City Council policy is mixed in with the City's Personnel policy. At the request of the auditors, the per diem allowance must have receipts turned in for verification. This policy works for City personnel, but not for the Council. Staff recommends this item be continued to a future council meeting with two separate policies, a Council reimbursement policy and an Employee reimbursement policy.

There was consensus by the City Council for continuation of this item to a future City Council meeting.

- D. City Attorney Jim Heisinger reported on the consideration of the City resolution implementing mandatory training requirements for local agency officials. State Law AB 1234 requires that local agency officials as listed on the attached exhibit A must take some form of ethics training. In addition members of the City Council are also required to obtain training while in office.

Motion to approve City **Resolution** Implementing Mandatory Training Requirements for Local Agency Officials was made by Council member Carbone, seconded by Council member Morris. AYES: Council member Blackwelder, Carbone, Morris, Pendergrass. NOES: None. ABSENT: Council member Hubler. ABSTAIN: None. Motion Carried.

- E. City Administrator Steve Matarazzo reported on the proposed donation of an office trailer at the desalination facility for future City use. Mr. Greg Gostanian has communicated to the City that the cost to move the office trailer located on the property facing Elder Avenue would be too expensive for him to relocate. Staff has taken a look at the trailer that has kitchen facilities, a lounge area, and a bathroom. Mr. Gostanian has invested over \$70,000 dollars plus for water and sewer hook-up. Staff has asked the City Engineer if the trailer can be left where it is without affecting the staging, which still needs to take place for the desalination plant. Staff does not recommend eliminating the cost of the space rent, however Mr. Gostanian will receive a tax donation receipt for the donation of the trailer, requests that he be allowed to stay on-site for an additional year.

City Engineer Richard Simonith reported that he was able to take a look at the property last week. In order for CalAm to get behind the plant to fill the calcium containers it would require safe clearance to go around the side next to the slope. Part of the trailer's deck would need to be removed or moved. Staff does not think that there is enough clearance for personnel to be able to access the containers for the desalination plant, however the final word will have to come from CalAm who will be providing the chemicals. There is the possibility of installing a retaining wall that will give them access. CalAm will not need to do this until early next year. Staff will need to contact CalAm to find out how much clearance will actually be needed to access the area.

Chief of Police Michael Klein reported that the trailer's use would be in conjunction with the present corporation yard. The trailer would be used as an operations center in the event of an emergency or disaster.

Mr. Matarazzo added that Staff will give a more complete report at a future council meeting.

- F. The Deputy City Clerk brought to the Council's attention upcoming events and meetings. The Deputy City Clerk indicated who was attending the lunch and dinner invitations hosted by the League of California Cities.

## **AGENDA ITEM 10, CLOSED SESSION**

***{Council Members Blackwelder and Hubler stepped down from the dais due to a possible conflict of interest by residing within 500' of the subject property}***

There was Council consensus to reverse the order of the closed session items as listed.

10:02 p.m. The Agency Board adjourned to Closed Session to:

2) Discuss pursuant to Section §54957 of the Ralph M. Brown Act for consideration of the City Administrator Position and to review Public Employee Performance Evaluation.

1) 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.

10:44 p.m.

B. Readjourn 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

2). There was no action taken.

1). The Redevelopment Agency gave direction to property negotiator, Steve

Matarazzo to continue with negotiations.

**AGENDA ITEM 11, ADJOURNMENT**

Motion to adjourn the City Council meeting was made by Council member Blackwelder, seconded by Council member Morris to the next regularly scheduled Council meeting on October 7, 2008, 7:00 p.m. There was a unanimous consensus of the Council to adjourn the meeting at 10:45 p.m.

---

Connie Horca, Deputy City Clerk