

MINUTES

JOINT SAND CITY COUNCIL AND REDEVELOPMENT AGENCY

Regular Meeting – December 2, 2008
CITY COUNCIL CHAMBERS
7:00 P.M.

Mayor Pendergrass opened the meeting at 7:02 p.m.

Invocation was led by Reverend Carl Kelleher

The Pledge of Allegiance was led by Police Chief Michael Klein

Present: Council Member Blackwelder
Council Member Carbone
Council Member Hubler
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
Connie Horca, Deputy City Clerk

AGENDA ITEM 4, COMMUNICATIONS

Members of the public may address the City Council on matters not appearing on the City Council agenda at this time for up to three minutes. In order that the City Clerk may later identify the speaker in the minutes of the meeting, it is helpful if the speaker states their name. Public comments regarding items on the scheduled agenda will be heard at the time the item is being considered by the City Council.

The City Council Chambers podium is equipped with a portable microphone for anyone unable to come to the podium. If you need assistance, please advise the City Clerk as to which item you would like to comment on and the microphone will be brought to you.

- A. Written communication distributed to the Council was a letter from the Coastal Commission to Mr. Ghandour on the status and timing regarding the Coastal Development Permit Application for the Monterey Bay Shores Resort and an updated contract ledger on the desalination plant funding.

- B. Mayor Pendergrass commended the Public Works crew on the outstanding work they performed setting up the Christmas decorations and lights in the Council Chambers, City Hall and Calabrese Park. He also reminded the audience and staff of the upcoming Tree Lighting Ceremony to be held on Friday, December 5, 2008 at 6:00 p.m.

7:07 p.m. Floor opened for Public Comment

There was no comment from the Public.

7:08 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 of the November 18, 2008 Sand City Council Meeting Minutes.
- B. There was no discussion of the City/Redevelopment Agency Financial Report, October 2008.
- C. 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.
- D. There was no discussion of the Fort Ord Reuse Authority (FORA) Monthly Report, November, 2008.
- E. There was no discussion of the City **Resolution** authorizing renewal of the Street Sweeping Agreement with the City of Monterey.

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

AGENDA ITEM 6, CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

There were no items pulled.

AGENDA ITEM 7, OLD BUSINESS

- A. City Engineer Richard Simonitch reported that MGE is installing the underground lines, and vaults related to the desalination discharge well. The construction of the desalination plant building is on schedule, and moving forward. Staff has submitted the Coastal Access plans to the Coastal Commission for their review of the design concept. The Prop 40 Grant Funds progress report for the Beach Coastal Access has also been submitted.

Council Member Morris commented that his primary concern on the feed wells was that their location would require them to be moved after a few years due to coastal erosion.

Mr. Simonitch replied that Staff is looking into every possible alternative so that the wells will remain intact far into the future.

City Administrator Steve Matarazzo reported that Pacific, Gas and Electric would like to issue Sand City's Energy Rebate check before year's end. Staff will be attending a meeting on Friday at San Luis Obispo for the desalination discharge permit.

AGENDA ITEM 8, NEW BUSINESS

- A. City Administrator Steve Matarazzo presented the consideration of a City resolution amending the Sand City Personnel Manual, Chapter 5, Section 5.14 Regarding the travel and expense policy for employees. At the request of the auditors, a formal policy needs to be adopted by the Council with regard to employee travel reimbursements. The attached staff report and resolution conforms with current IRS requirements with regard to employees who receive reimbursement to attend business related events. Staff recommends the approval of the attached resolution.

Motion to approve the City **Resolution** amending the Sand City Personnel Manual, Chapter 5, Section 5.14 Travel and Expense Policy for Employees was made by Council Member Blackwelder, seconded by Council Member Morris. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- B. City Attorney Jim Heisinger commented on the City resolution adopting a Council reimbursement policy. Sand City's Personnel Manual did not have a specific policy that would apply directly to City Council travel related expenses. The attached Council reimbursement policy would conform to current government code regulations. The changes to the existing policy are contained in the attached resolution and Exhibit A. It is recommended that the Council approve the resolution adopting a Council reimbursement policy.

Motion to approve the City **Resolution** adopting a Council reimbursement policy was made by Council Member Carbone, seconded by Council Member Blackwelder. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABTAIN: None. Motion Carried.

- C. City Administrator Steve Matarazzo presented for the Council's consideration the approval of the wording for interpretive signs to be located at the end of Bay Avenue and Vista Del Mar. The sign area will be approximately 2' x 2', with additional information regarding what Sand City is all about. Staff recommends that the City Council approve the interpretive signs, which will be connected with the beach access improvements at the end of Bay Avenue. Once approved, Staff can then forward the information to the Coastal Commission for their final approval. The language for the two signs is specified in the attached staff report on page 73.

There was Council consensus to move forward with the wording for the interpretive signs.

- D. Chief of Police Michael Klein presented a City resolution authorizing the Sand City Police Department to enter into a Grant Agreement and to participate in the "Avoid the Eighteen Driving Under the Influence (DUI) Campaign" with the Monterey County Law Enforcement Agency. The resolution would allow Sand City to participate as part of 18 law enforcement agencies in Monterey County which would provide DUI checkpoints, warrant teams, and saturation patrols along with various types of logistical and supervisory rolls. The dates and staffing needs for DUI checkpoints will be forwarded to all agencies when finalized. There are no current checkpoints presently located in Sand City. Staff recommends approval of the attached resolution authorizing the Sand City Police Department to participate in the "Avoid the Eighteen" DUI Program.

Motion to approve City **Resolution**, authorizing the Sand City Police Department to enter into a Grant Agreement and to participate in the "Avoid the Eighteen Driving Under the Influence (DUI) Campaign" with the Monterey County Law Enforcement Agency was made by Council Member Blackwelder, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- E. Mayor Pendergrass commented on the City resolution in appreciation of Council Member Morris for his years of service and commitment to the City of Sand City. Mr. Morris has served several terms as Council Member since 1978 and the Mayor thanked him for his dedication as a public servant to the community. The Council would like to present a plaque and resolution to Mr. Morris at the City's Annual Awards Banquet.

Mr. Morris responded that it has been a pleasure to work with the members of the Sand City Council and thanked each Council Member individually for the good job they have done to keep Sand City moving forward towards a collective vision. Council Member Morris jestfully concluded that this will not be the last time he will be attending a Council meeting as he plans to be part of the audience especially when a future meeting covers projects near his residence.

Vice Mayor Carbone commented that it has been a pleasure to work with Council Member Morris and, if needed, he is just over the hill.

In conclusion, Mayor Pendergrass mentioned that Council Member Morris always came well prepared for the Council Meetings. He has been a true servant as one who works for the people to serve their City, and wished him much success in his future endeavors.

Motion to approve the City **Resolution**, in appreciation of Council Member Michael Morris for his Years of Service and Commitment to the City of Sand City was made by Council Member Pendergrass, seconded by Council Member Hubler. AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass. NOES: None. ABSENT: None. ABSTAIN: None. Motion Carried.

- F. The Deputy City Clerk brought to the Council's attention the upcoming meetings and events. Council Members Blackwelder, Carbone,, Hubler, Morris and Pendergrass confirmed their attendance at the Friday, December 19, 2008 Annual Awards Banquet.

AGENDA ITEM 9, CLOSED SESSION

7:43 p.m.

- A. Agency Board to adjourn to Closed Session:

- 1) To confer with Legal Counsel regarding existing Litigation in accordance with Section 54956.9 of the Ralph M. Brown Act, the Center for Biological Diversity v. Dirk Kempthorne.et.al.

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

- 2) 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.

7:47 p.m.

- B. The City Council readjoined 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.

A(1) City Council gave direction to City Attorney.

A(2) Direction was given to property negotiator, Steve Matarazzo

AGENDA ITEM 10, ADJOURNMENT

Motion to adjourn the City Council meeting was made by Council Member Carbone, seconded by Council Member Morris to the next regularly scheduled Council meeting on December 16, 2008 at 7:00 p.m. There was unanimous consensus of the Council to adjourn at 7:48 p.m.

Connie Horca, Deputy City Clerk

