

**Minutes of the Regular & Special Meeting
City of Half Moon Bay City Council
February 1, 2005**

The City Council convened in Special Session at the hour of 7:00 p.m. with **Councilmembers Fraser, Ferreira, McCausland, Taylor & Mayor Grady** present.

RECESS TO CLOSED SESSION — 7:00 P.M.

- **Pursuant to Government Code Section 54956.9 — Conference With Legal Counsel — Existing Litigation** — Ailanto Properties, Inc. v. City of Half Moon Bay (Ailanto I) California Court of Appeal, First Appellate District Case No. A098920; — Ailanto Properties, Inc. v. City of Half Moon Bay & California Coastal Commission (Ailanto II) San Mateo County Superior Court Case No. 416540; Ailanto Properties, Inc. v. City of Half Moon Bay (Ailanto III) San Mateo County Superior Court Case No. 422561.
- **Pursuant to Government Code Section 54956.9 — Conference With Legal Counsel — Existing Litigation** — *Parness v. City of Half Moon Bay*, San Mateo County Superior Court Case No. 443388.
- **Pursuant To Government Code Section 54956.9 (b) – Conference With Legal Counsel – Anticipated Litigation – Significant Exposure To Litigation (One Case).**
- **Pursuant to Government Code Section 54956.9 — Conference with Legal Counsel — Existing Litigation** — *Wavecrest Village LLC v. City of Half Moon Bay*; CIV No. 435208.
- **Pursuant to Government Code Section 54956.9 — Conference With Legal Counsel — Existing Litigation** — *Devcich v. City of Half Moon Bay* — San Mateo County Superior Court Small Claims Case No. SCC-102550.
- **Bodnar v. City of Half Moon Bay, Workers Compensation Appeals Board, Case #SFO 0475348.**
- **Pursuant to Government Code Section 54956.9—Conference with Legal Counsel—Existing Litigation—***Yamagiwa v. City of Half Moon Bay*, Cal. Court of Appeal, First App. Dist., Case No. A1000999.
- **Pursuant to Government Code Section 54956.9—Conference with Legal Counsel—Existing Litigation—***S& P Carmichael v. City of Half Moon Bay*, San Mateo Superior Court Case No. 449862.

The City Council convened in Regular Session at 7:35 p.m.

Mayor Grady announced that no action was taken in Closed Session and that the City Council will adjourn to Closed Session following the regular meeting.

ROLL CALL

PLEDGE OF ALLEGIANCE

MAYOR'S ANNOUNCEMENTS OF COMMUNITY ACTIVITIES AND COMMUNITY SERVICE:

None.

PROCLAMATIONS AND PRESENTATIONS:

ORAL COMMUNICATIONS:

George Muteff, 408 Redondo Beach Road, provided a history of his property and had questions regarding the General Plan update process.

Staff and City Councilmembers responded to Mr. Muteff's questions and suggested that members of the public interested in the General Plan update should attend the next meeting to discuss the update on February 3, 2005 and also visit the City's website to view materials.

Robert Clinton, spoke regarding past meetings held to discuss the Pacific Ridge project.

Gino Monteiro, 445 Kehoe, asked what the process is for small additions in Half Moon Bay, and had questions regarding the General Plan update process.

Patric Jonnson, 431 Kehoe, asked for the status of the substandard lots issue. **Planning Director Liebster** responded to the question, saying that a letter on the subject had been received from the Coastal Commission.

CITY COUNCIL REPORTS:

Councilmember Ferreira provided a report on the emergency services JPA quarterly meeting that he attended.

COUNCIL PRIORITY STATUS REPORTS FROM STAFF:

City Manager Ryan thanked City staff for their assistance while she was on jury duty. She announced the selection of a landscape architect firm, MIG, for the Community Park Master Plan design and the next Community Park Committee meeting on February 8, 2005. **City Manager Ryan** provided an update on the ongoing General Plan Update LCP meetings. She also provided an update on the Highway 92 advisory committee and the Fee study and audit.

CONSENT CALENDAR:

1. **Waive Reading of Ordinances and Resolutions**
3. **Selection of Consultant for Community Park Master Plan.**
5. **Approve Warrants dated January 14, 2005 in the Amount of \$487,922.04.**

A motion was made by **Councilmember Taylor** to approve the Consent Calendar, with the exception of **Items #2 and #5**, which were pulled for separate consideration. The motion was seconded by **Councilmember Ferreira** and upon a roll call vote, the motion carried by a vote of 5-0.

2. **Councilmember Taylor** said she pulled this item to provide information on her nomination to the Planning Commission, Sofia Freer. **Councilmember Ferreira made a motion to** accept the nomination. **Councilmember McCausland** seconded the motion and upon a voice vote, the motion carried by a vote of 5-0. **Sofia Freer** thanked the City Council for their approval and said she was looking forward to serving as a Planning Commissioner.

STAFF REPORTS & RESOLUTIONS

6. **Selection of Artist and Design for the Rotary-Sponsored Mural on City Hall.**

City Manager Ryan introduced Charles Nelson from the Half Moon Rotary Club.

Mr. Nelson reviewed the selection process thus far. He said that artist **Doug Snow** was selected to do the City Hall mural.

Mr. Snow presented his proposed design for the mural.

Discussion ensued between the City Council and Mr. Snow.

A motion was made by **Councilmember Fraser** to accept the Rotary Club Mural Selection Committee's selection of Doug Snow to paint a mural on the City Hall building. **Councilmember Taylor** seconded the motion and upon a voice vote, the motion carried by a vote of 5-0.

7. **Amendment to the Peninsula Humane Society Agreement Increasing the Contract Term and Amending the Payment Schedule.**

Chief of Police Ortiz presented the staff report.

Discussion ensued between the City Council and staff.

This item was continued to the next City Council meeting so that staff could provide additional information regarding fees and services.

8. Update on Potable Water Supply for Contaminated Drinking Wells

Public Works Director Nagengast presented the staff report.

Mayor Grady opened Public Comment at 8:27 p.m.

Ed Schmidt, CCWD General Manager, said that the CCWD Board of Directors took action at their most recent meeting to agree to sell their 10 non-priority water connections, at a cost of \$26,000 per connection. He said that four connections will be reserved for 30 days for the four families who are currently in an emergency situation.

Mayor Grady closed Public Comment at 8:32 p.m.

Discussion ensued among the Councilmembers and between the City Council and staff.

The City Council gave direction to staff that this item should be brought back for a decision at the next regular meeting. The City Council requested that information be provided at that meeting regarding the Coastal Commission's response to the City's request, and the City's options relating to water connections it owns.

9. Interpreting HMBMC Chapter 17.06 Regarding Applications for Heirs for Measure A Allocation in Subsequent Year.

Planning Director Liebster presented the staff report.

There was no Public Comment.

A motion was made by **Councilmember Ferreira** to accept the staff recommendation and adopt a resolution finding that in the event of the death of the holder of a valid owner-occupied Measure A allocation, the successors in interest may apply for a non-owner occupied Measure A without automatically forfeiting their original Measure A application. The motion was seconded by **Councilmember Taylor**.

City Attorney Lindgren suggested that the words "for the same property" be included in the resolution after the words "Measure A allocation process." (Section #1, line 3). **Councilmembers Ferreira** and **Taylor** agreed to the amendment of the motion and upon a voice vote, the motion carried by a vote of 5-0.

10. Preparing a Draft Letter of Comment to the Honorable Board of Supervisors of San Mateo County Regarding the County Planning Commission's Recommendations for Amending the County LUP.

Planning Commission Liebster presented the staff report.

Discussion ensued between the City Council and staff.

In order to have a letter for the County's 2/15/05 meeting on this issue, **Councilmembers Ferreira and Taylor** will review a draft prepared by staff. A copy of the submitted letter will be provided to the entire City Council at their next regular meeting.

Mayor Grady opened Public Comment at 9:10 p.m.

Nina Pellegrino, 1430 Audubon, Montara, stated her opinion that a small percentage of mid-coast residents had been involved in the County's process and asked that the City Council letter on the matter stress the importance of coastside input.

Item # 5 Minutes of Meeting Held January 18, 2005 (*Pulled from Consent Calendar*)

Councilmember Ferreira requested that this item be pulled from the Consent Agenda in order to have a verbatim transcription of comments Chris Mickelsen made at the meeting included in the official record. A motion was made by **Councilmember McCausland** to include the verbatim transcription in the minutes of the City Council meeting held January 18, 2005. **Councilmember Ferreira** seconded the motion and upon a voice vote, the motion carried by a vote of 5-0.

Councilmember Taylor made a motion to adjourn to Closed Session at 9:20 p.m. The motion was seconded by **Councilmember Fraser** and upon a voice vote, the motion carried by a vote of 5-0.

Siobhan Smith
Interim City Clerk

Approved:

Jim Grady
Mayor