

**MINUTES OF THE
REGULAR & SPECIAL
MEETING
OF THE
HALF MOON BAY CITY COUNCIL**

MAY 17, 2005

The City Council convened in Special Session at 7:00 p.m. with **Councilmembers Ferreira, Fraser, Taylor and Mayor Grady** in attendance. **Councilmember Gorn** was absent.

RECESS TO CLOSED SESSION

- **Pursuant To Government Code Section 54957.6—Conference With Labor Negotiator—City Manager**—Police Officers' Association; Management/Confidential; International Union of Operating Engineers Stationary Local 39; AFL-CIO; Police Management and Unrepresented Employees.
- **Pursuant To Government Code Section 54956.9 (b) – Conference With Legal Counsel – Anticipated Litigation – Significant Exposure To Litigation** (Three Cases).
- **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.

City Attorney Lindgren announced that in Closed Session the City Council gave direction but took no action.

CONVENE REGULAR MEETING/PLEDGE OF ALLEGIANCE

The Regular City Council meeting was convened at the hour of 7:40 p.m., with **Councilmembers Ferreira, Fraser, Taylor and Mayor Grady** in attendance. **Councilmember Gorn** was absent.

MAYOR'S ANNOUNCEMENTS OF COMMUNITY ACTIVITIES AND COMMUNITY SERVICE:

None.

PROCLAMATIONS AND PRESENTATIONS:

Chief of Police Ortiz introduced **Mario Rosales**, the newest member of the Half Moon Bay Police Department.

Officer Rosales thanked the City for the opportunity and said he looked forward to serving the community.

ORAL COMMUNICATIONS:

Don Friese, 1 Creekside Drive Urged the City to move forward on implementing the Mobile Home Zoning Ordinance and distributed a letter to the City Council with proposed language to amend the Zoning Code regarding Mobile Home Parks.

Jim Henderson, 85 Creekside Drive Urged the City to move forward on implementing the Mobile Home Zoning Ordinance and asked for status update.

Dale Dunham, 513 Ruisseau Francais Addressed the City Council regarding speed hump installation in the Frenchman's Creek neighborhood. He asked the City Council to reconsider their decision to install the speed humps.

Patric Jonnsen, 431 Kehoe Thanked the City Council and the Planning Commission for assisting the community in resolving the exceptional lots issue and asked for a status report on the issue.

CITY COUNCIL REPORTS

Councilmember Ferreira and **Councilmember Taylor** provided a report regarding the recent Community Park Committee meeting.

Councilmember Ferreira provided an update on recent activities of the Emergency Services Council.

Mayor Grady reported that he, **Councilmember Ferreira**, **City Manager Ryan**, **Planning Director Liebster** and **City Attorney Lindgren** attended a meeting at the Coastal Commission.

COUNCIL PRIORITY STATUS REPORTS FROM STAFF

City Manager Ryan announced that the City budget process was underway.

Public Works Director Nagengast provided an update on the Highway 92 project.

CONSENT CALENDAR

1. **Waive Reading of Ordinances & Resolutions**
2. **Approve Warrant Report Dated April 29, 2005 in the Amount of \$3470.41 and April 30, 2005 in the Amount of \$108,015.60**
3. **Treasurer's Report for March 31, 2005**
4. **Acceptance of Work for the Revegetation Trail Project with Ecological Concerns Inc., dba Central Coast Wilds**
5. **Renewal of Agreement with San Mateo County for Rehabilitation Loan Services**
7. **Authorization to Execute Failed Well Agreement Between San Mateo County, Coastside County Water District and the City for the Loan of 2 Priority Water Connections**
8. **Acceptance of Work for the 2003-2004 Phase II Roadway Reconstruction and AC Overlays with C.F. Archibald Paving Inc.**
9. **Grant Funds Awarded for the Oak Park Project in the Amount of \$160,000 and \$397,815 from the River Parkways Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002**
10. **Support Governor's Proposal Related to Fully Funding Proposition 42-Transportation Congestion Improvement Act in the FY 2005-06 State Budget**
11. **Consenting to Sewer Authority Mid-Coastside General and Collection System Budget for Fiscal Year 2005-2006**
12. **Approve City Council Minutes for the Meetings of March 10, 2005, May 3, 2005 and May 10, 2005.**

Item #6 was pulled for separate consideration.

A motion was made by **Councilmember Taylor** to approve the Consent Calendar with the exception of **Item #6, Approve Seventh Amendment to the Legal Services Contract with Meyers Nave Riback Silver & Wilson Including a CPI Adjustment**, which was pulled for separate consideration. The motion was seconded by **Councilmember Ferreira** and upon a roll call vote, the motion carried by a vote of 4-0, with **Councilmember Gorn** absent.

ORDINANCES AND PUBLIC HEARINGS

13. Appeal of the Planning Commission’s Decision of April 28, 2005 to Deny Application PDP-86-03, a Request for a Coastal Development Permit and Height Exception for a New One-Story Single-Family Residence at 684 Terrace Avenue (APN 056-081-350)

Noticed Public Hearing

Assistant Planner Schaan presented the staff report.

Discussion ensued between the Councilmembers and staff.

The applicant’s representative, Michelle Zaccone, explained the reasons for appealing the Planning Commission’s decision.

The following individuals addressed the City Council:

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| Tom Foley | Spoke in support of the proposed project and urged the City Council to approve the appeal and overrule the action of the Planning Commission. He also spoke regarding the City’s previous interest in acquiring the subject property through eminent domain. |
| Barbara Steinberg reading letter from Julie Walker, 699 Terrace Avenue | Spoke in support of the proposed project and urged the City Council to approve the appeal and overrule the action of the Planning Commission. |
| Edward Daniels, 570 Terrace | Spoke in support of the proposed project and urged the City Council to approve the appeal and overrule the action of the Planning Commission. |
| Lucy Lopez, 531 Terrace | Spoke in support of the proposed project and urged the City Council to approve the appeal and overrule the action of the Planning Commission. |
| Jerry Steinberg, 591 Terrace | Spoke in support of the proposed project and urged the City Council to approve the appeal and overrule the action of the Planning Commission. |
| Robert Clinton, 515 Terrace | Spoke in support of the proposed project and urged the City Council to approve the appeal and overrule the action of the Planning Commission. |
| Jim O’Connor, 1031 Wilmington Way | Spoke in support of the proposed project and urged the City Council to approve the appeal and overrule the action of the Planning Commission. |
| Joseph Rocha, Terrace Avenue resident | Spoke in support of the proposed project and urged the City Council to approve the appeal and overrule the action of the Planning Commission. |
| Richard Parness, 664 Terrace Avenue | Spoke in support of the proposed project and urged the City Council to approve the appeal and overrule the action of the Planning Commission. |

Mayor Grady closed the Public Hearing at 9:05 p.m.

Discussion ensued amongst the Councilmembers.

A motion was made by Councilmember Taylor to continue this item until June 7, 2005, and ask the City Attorney to provide a feasibility and takings analysis. The motion was seconded by **Councilmember Ferreira** and upon a voice vote, the motion carried by a vote of 4-0 with **Councilmember Gorn** absent.

14. Public Hearing and Discussion of City Council Public Review Draft, as Proposed Amendments to the City of Half Moon Bay Local Coastal Program/General Plan Update

Planning Director Liebster presented the staff report.

City Attorney Lindgren provided supplemental information to the staff report.

Ann Carey, property owner	Stated her opinion that Policy 9-5 and Measure D should be discussed together.
Naomi Patridge, 487 Laurel	Asked the City Council to hold separate meetings to discuss the LCP/General Plan Update rather than at regular City Council meetings.
Terry Gossett, Moss Beach	Asked when the maps would be complete, and when answers to the questions submitted so far would be available.
George Muteff, 408 Redondo Beach Road	Submitted a letter for record with questions relating to the update, and read a portion of the letter into the record.
Jack McCarthy, speaking on his own behalf and not as a member of the Planning Commission	Commented on the letter Coastside Community Water District submitted regarding the LCP/General Plan Update.
Patric Jonnsen, 431 Kehoe	Submitted photos of ditches in Half Moon Bay and spoke regarding buffer zones in backyards.
Brad Jabe, 1062 San Carlos, El Granada	Stated his opinion that a lottery system should not be used for Measure D allocations.
Juliet Kulda, 350 El Granada Blvd.	Spoke regarding property rights, Measure D certificates, the lottery system and asked for clarification on traffic mitigation issue for houses over 2500 square feet.
Ozzie Monteiro, 808 Monte Vista Lane	Commented on substandard lots, ditches, creeks and buffer zones.
Dennis Paull, 229 Correas	Expressed his appreciation to staff, City Council and the Planning Commission for their hard work on the LCP update.
Judy Taylor, El Granada	Said she wasn't in favor of a Lottery system for Measure D allocations.
Kevin Lansing, speaking on his own behalf and not as a member of the Planning Commission	Commented on the letter Coastside Community Water District submitted regarding the LCP/General Plan Update.

Discussion ensued between the City Council and staff.

STAFF REPORTS AND RESOLUTIONS

15. Contractual Services Agreement Amendment with Mark Thomas & Company, Inc., Related to the Highway 92 and Main Street project.

Public Works Director Nagengast presented the staff report.

A motion was made by **Councilmember Ferreira** to approve the services agreement amendment with Mark Thomas & Company. The motion was seconded by **Councilmember Taylor** and upon a roll call vote, the motion carried by a vote of 4-0 with **Councilmember Gorn** absent.

16. Discussion Regarding Campaign Regulation and the Possible Adoption of an Ordinance Establishing Limits on Contributions and Loans for City Candidate Elections

City Attorney Lindgren presented the staff report.

Mayor Grady opened Public Comment at 11:00 p.m.

Naomi Patridge, 487 Laurel, questioned why this was brought forward.

Mayor Grady closed Public Comment at 11:02 p.m.

Discussion ensued between staff and the City Council.

Staff will bring a proposed ordinance for introduction at the June 7, 2005 meeting.

6. Approve Seventh Amendment to the Legal Services Contract with Meyers Nave Riback Silver & Wilson Including a CPI Adjustment (Consent Item Pulled for Separate Consideration)

City Manager Ryan presented the staff report.

A motion was made by **Councilmember Ferreira** to approve the Seventh Amendment to the Legal Services Contract with Meyers Nave Riback Silver and Wilson. The motion was seconded by **Councilmember Taylor** and upon a roll call vote, the motion carried by a vote of 4-0 with **Councilmember Gorn** absent.

INTERAGENCY:

None.

ADJOURNMENT

A motion was made by **Councilmember Ferreira** to adjourn the meeting at 11:35 p.m. The motion was seconded by **Councilmember Taylor** and upon a voice vote the motion carried by a vote of 4-0 with **Councilmember Gorn** absent.

Respectfully submitted:

Siobhan Smith
Interim City Clerk

Approved:

Jim Grady, Mayor

Approved Minutes
May 17, 2005