

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

**August 16, 2005**

**CONVENE SPECIAL MEETING – 7:00 p.m.**

- **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 – Conference with Legal Counsel** – Existing Litigation – Cypress Cove Townhomes Association v. City of Half Moon Bay CIV No. 447330.
- **Pursuant to Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation** – Significant Exposure to Litigation (23 cases)

**CONVENE REGULAR MEETING – 7:30 p.m.**

The Regular Meeting was convened at the hour of 7:30 p.m. with **Councilmembers Ferreira, Fraser, Gorn, Taylor and Mayor Grady** present.

**PLEDGE OF ALLEGIANCE**

**ORAL COMMUNICATIONS:**

**Terry Andreotti, 227 Kelly Avenue**, read a letter into the record regarding farmers and housing and water in Half Moon Bay

**Cheryl Paxton, 439 Kehoe Avenue**, said she was pleased with the progress made regarding the fire hazard she reported in the field behind Kehoe Avenue.

**George Muteff, 408 Redondo Beach Road**, had questions regarding the Wavecrest Settlement Agreement.

**Leonard Warren**, spoke in support of the LCP process.

**John Lynch, 498 Touraine Lane**, addressed the City Council regarding traffic safety in Frenchmans Creek.

**PRIORITY STATUS REPORTS FROM STAFF**

**City Manager Ryan** provided an update on the LCP meeting schedule, and the Community Park process.

**Public Works Director Nagengast** said that the ongoing situation regarding the dead whale on Poplar Beach is near resolution and updated the City Council on the Highway 92 project.

**City Attorney Lindgren** provided an update on the Cypress Cove Homeowners Litigation, and said that during Closed Session the City Council provided direction but took no action.

**CONSENT CALENDAR:**

1. **Waive Reading of Ordinances & Resolutions**
2. **Treasurer's Report for June 30, 2005**
3. ***Pulled for Separate Consideration***
4. **Letter of Support for SB-203-Transactions and Use Taxes: County of San Mateo: Parks and Recreation**
5. **Adoption of the Appropriations Limit for FY 2005-06**
6. **Approve Warrant Reports Dated July 29, 2005 in the Amount of \$112,635.62**
7. **Approve City Council Minutes of July 19, 2005**

A motion was made by **Councilmember Taylor** to approve the Consent Calendar with the exception of **Item #3, PDP-30-04 Review for Approval of a Zoning Code Amendment to Chapters 18.02 (Definition), 18.06 (Residential Districts), 18.20 (Local Coastal Development Permits), and 18.38 (Coastal Resource Conservation Standards) of the Zoning Code (Changes to, and Acceptance of the Coastal Commission's Modifications to O-06-04)** 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 5-0.

9. **Letter Regarding City Business License Regulations and Unauthorized Pumpkin Festival Vendors**

*(This item heard out of order)*

**City Manager Ryan** presented the staff report.

**Mayor Grady** opened Public Comment at 8:00 p.m.

**Charles Nelson, 308 Correas**, spoke on behalf of Downtown Merchants Association and thanked the City for their assistance in resolving this issue.

**Cameron Palmer, President of Pumpkin Festival Committee**, spoke on behalf of Downtown Merchants Association and thanked the City for their assistance in resolving this issue and had procedural questions.

**Mayor Grady** closed Public Comment at 8:05 p.m.

Motion by **Councilmember Taylor** to approve the letter as amended (providing information to recipients regarding past violations,) and directed staff to deliver the letter by hand. The motion was seconded by **Councilmember Ferreira** and upon a voice vote, the motion carried by a vote of 5-0.

## **ORDINANCES AND PUBLIC HEARING**

### **8. Resolution Determining that the Public Interest and Necessity Require the Acquisition of Certain Real Property and Directing the Filing of Eminent Domain Proceedings for the Highway 92 and Main Street Project.**

#### **Noticed Public Hearing**

**Public Works Director Nagengast** presented the staff report.

**Mayor Grady** opened the Public Hearing at 8:40 p.m.

**Leonard Worren, Representing Citizens for the Preservation of El Granada**, spoke regarding eminent domain in general and as it pertains to the MSORD.

**Mayor Grady** Closed the Public Hearing at 8:42 p.m.

A motion was made by **Councilmember Taylor** to approve the Resolution Determining that the Public Interest and Necessity Required the Acquisition of Certain Real Property and Directing the Filing of Eminent Domain Proceedings for the Highway 92 and Main Street Project. The motion was seconded by **Councilmember Ferreira** and upon a roll call vote, the motion carried by a vote of 5-0.

## **STAFF REPORTS AND RESOLUTIONS**

### **10. Final Budget Amendment 2004-05**

**Finance Director Norrell** presented the staff report.

A motion was made by **Councilmember Taylor** to adopt the resolution approving the Final Budget Amendment for Fiscal Year 2004-05. The motion was seconded by **Councilmember Ferreira** and upon a roll call vote the motion carried by a vote of 5-0.

#### **Item(s) Pulled for Separate Consideration:**

**#3: PDP-30-04 Review for Approval of a Zoning Code Amendment to Chapters 18.02 (Definitions), 18.06 (Residential Districts), 18.20 (Local Coastal Development Permits), and 18.38 (Coastal Resource Conservation Standards) of the Zoning Code (Changes to, and Acceptance of the Coastal Commission's Modifications to O-06-04)**

**Mayor Grady** opened Public Comment at 8:50 p.m.

**Ozzie Monteiro, 808 Monte Vista Lane**, spoke regarding the Coastal Commission, stating his opinion regarding their influence on the coast.

**Gino Monteiro, 435 Kehoe Avenue**, urged the City Council to move the amendment forward and expressed his hope that the Coastal Commission will approve it.

**George Muteff, 408 Redondo Beach Road**, provided his understanding of the history of this process so far. He stated his opinion that this was a first step, not a solution.

**Patric Jonnsen, 431 Kehoe**, expressed his appreciation for the work done on this issue so far. He urged the City Council to approve the amendment.

**Mayor Grady** closed Public Comment at 9:00 p.m.

A motion was made by **Councilmember Taylor** to approve the modifications made by the Coastal Commission to O-06-04 and the changes to the Coastal Commission's modifications as presented and authorize re-submittal of revised text to the Coastal Commission. The motion was seconded by **Councilmember Ferreira** and upon a voice vote the motion carried by a vote of 5-0.

**INTERAGENCY:**

**Councilmember Ferreira** said that the Sewer Authority Mid-Coastside Board would be voting on the final recycled water report at their next meeting.

**ADJOURNMENT:**

A motion was made by **Councilmember Ferreira** to adjourn the meeting at 9:05 p.m. The motion was seconded by **Councilmember Taylor** and upon a voice vote, the motion carried by a vote of 5-0.

**Respectfully submitted:**

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**Siobhan Smith**  
**Interim City Clerk**

**Approved:**

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**Jim Grady**  
**Mayor**