

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MONTEREY
TUESDAY, February 21, 2006
4:00 – 5:30 and 7:00 – 11:00 P.M.
COUNCIL CHAMBER, FEW MEMORIAL HALL
MONTEREY, CALIFORNIA

CALL TO ORDER:

Mayor Albert called the meeting to order at 4:00 p.m.

Council Members

Present: Councilmembers Della Sala, Downey, Haferman, Roberson, Mayor Albert
Absent: None

City Staff:

Present: City Manager, City Attorney, City Clerk, Assistant City Manager, Community Development Director, Finance Director, Public Facilities Director, Fire Chief, Personnel Director, Recreation Director, Library Director, Police Chief, Deputy Public Works Directors, Property and Housing Manager, Administrative Analyst–Real Estate, Senior Planner

PRESENTATIONS

§ Badge Pinning for Fire Chief Sam Mazza (Fire 501-03)
Action: Chief Mazza's wife, Laurie, pinned his badge on him and the Chief made brief comments.

CONSENT ITEMS

City Manager Meurer said that a member of the public had requested to speak to Item C9.

On a motion by Councilmember Roberson, seconded by Councilmember Della Sala, and carried by the following vote, the City Council approved the Consent Agenda, except Item C9 which was removed for public comment:

AYES: 5 COUNCILMEMBERS: Della Sala, Downey, Haferman, Roberson, Albert
NOES: 0 COUNCILMEMBERS: None
ABSENT: 0 COUNCILMEMBERS: None

Approval of Minutes

C1. February 7, 2006 (City Clerk 701-09)
Action: Approved

Award of Contract

C2. Major Municipal Improvements-Open End Contract 2006 (Public Works 807-02)
Action: Adopted Resolution No. 06-20

C3. On-Call Archeological Services 2006 (Public Works 201-15)
Action: Adopted Resolution No. 06-21

- C4. Department of Defense Office Building Second Floor Tenant Improvement (Public Works 903-02)
Action: Adopted Resolution No. 06-22

Ordinances

- C5. First Reading – Amending Monterey City Code Section 20-20.1 Adding Truck Weight Limitations on Encina Avenue between Casa Verde Way and Del Vina – Ordinance (Public Works 803-01)
Action: Ordinance Passed to Print
- C6. First Reading – Amending Monterey City Code 25-14.05 (Personnel Rules) to Delete Authority to Remove Written Reprimands from a Police Department Public Safety Employees’ Personnel Files (Personnel 501-02)
Action: Ordinance Passed to Print

Resolutions

- C7. Transfer of Funds ADA Curb Ramps (Del Monte Beach) and New Monterey Curb Ramps Phase 2 ***NIP*** (Public Works 808-02)
Action: Adopted Resolution No. 06-23
- C8. Acceptance of Grants of Interest in Real Property from The Cannery Row Company and Cannery Plaza Associates to Dedicate Public Access Easements on Cannery Row (Community Development 704-02)
Action: Adopted Resolution No. 06-24
- C9. Authorization of Contract for Appraisal Services to Determine Fair Market Rent for Concessions on City-Owned Municipal Wharf No. 1 (Fisherman’s Wharf) (Community Development 704-07)
Action: Removed from Consent; discussed; adopted Resolution No. 06-25

Bruce Crist, New Monterey resident, spoke in support of the contract, but said that it does not go far enough. He suggested that the City should receive concession agreements for significant users of the Recreation Trail, and so should amend this contract to include an appraisal for the fair market value for its use. Councilmember Downey suggested including the Adventures by the Sea and Monterey Bay Kayaks leases for appraisals under this contract. City Manager Meurer explained that the City already receives fair market value on the current short-term leases. He said that Mr. Crist’s suggestion would constitute a policy change with regard to the use of the Rec Trail. City Attorney Mall explained that the City is bound by the current scope of the contract that was advertised.

On a motion by Councilmember Roberson, seconded by Councilmember Haferman, and carried by the following vote, the City Council adopted Resolution No. 06-25:

AYES:	5	COUNCILMEMBERS:	Della Sala, Downey, Haferman, Roberson, Albert
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None

- C10. Amending the 2005-'06 Position Control List Adding One Building Technician Position, Delete One Senior Building Inspector Position, and Establish Salary for the New Classification and Redistribute Salary Savings (Community Development 502-03)
Action: Adopted Resolution No. 06-26

- C11. Amending FY 2005-'06 Position Control List to Eliminate One Parks Crafts Supervisor and Add One Park Crafts Leadworker Position (Public Works 502-03)

Action: Adopted Resolution No. 06-27

- C12. Amending FY 2005-'06 Position Control List to Establish the Positions of Engineering and Maintenance Director and Communications and Outreach Manager and Establish Salary for the New Classifications (City Manager 502-03)

Action: Adopted Resolution No. 06-28

Other

- C13. Appointment of Representative to the Water Master Committee (City Attorney 702-04)

Action: Appointed Mayor Albert

*****End of Consent Agenda*****

PUBLIC COMMENTS

Mayor Albert opened the floor for Public Comments on items not on the agenda, and no one came forward. He adjourned the meeting to a Closed Session at 4:23 p.m.

CLOSED SESSION

- 1. Conference with Legal Counsel Pursuant to Government Code Section 54956.9 (a) Existing Litigation – Name of Case: Save Our Waterfront Committee v. City of Monterey; City Council of the City of Monterey; Local Agency Formation Commission of Monterey County; et al; Cannery Row Marketplace, LLC, et al, Real Parties in Interest (City Attorney 703-06)

Action: Received report

- 2. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6 – Agency Negotiators: Bailey, McCarthy, Cohn, Cudio - Employee Organization: Police Lieutenants Association of Monterey (PLMA 507-07)

Action: On a unanimous roll call vote the City Council gave confidential direction to their negotiators

- 3. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6 – Agency Negotiators: Bailey, McCarthy, Cohn – Employee Organization: General Employees of Monterey (GEM), Management Employees Association (MEA) and Unrepresented Employees: Executive Managers (507-01)

Action: On a unanimous roll call vote the City Council gave confidential direction to their negotiators

Mayor Albert called a recess at 5:17 p.m., then reconvened the meeting in open session at 7:00 p.m., where all Councilmembers were present.

ANNOUNCEMENTS FROM CLOSED SESSION

Announcements were made as noted above.

CONTINUED PUBLIC COMMENTS

Mayor Albert reopened the floor for Public Comments on items not on the agenda. Barbara Bass Evans, Save Our Waterfront Committee, gave a brief history of the committee and said that they continue to work as a group to protect the coastline from over-development. She introduced the founders Ed Leeper and Richard Ruccello. Lee Pease, North Fremont Business District, reported on Monterey on Ice, saying that they had 13,000 skaters and were especially appreciative of the seed money from the City of Monterey and moral support from Council and staff members. She reported that Monterey on Ice was able to pay all of its bills for this first year of operation, and they are committed to bringing the event back next year. Mr. Harry Mucha, North Fremont Street business owner, thanked the Council for supporting Monterey on Ice. Having no further requests to speak, Mayor Albert closed Public Comments.

PUBLIC APPEARANCE

4. Policy Direction Regarding Requests to Extend Leases for Adventures by the Sea and Monterey Bay Kayaks on the Catellus East Waterfront Property (EIR Previously Filed and Certified) (Community Development 206-03)
Action: Directed staff to investigate the feasibility of Councilmember Della Sala's suggested expansion of the Adventures by the Sea building, investigate the Coastal Commission's views regarding expansion and talk with the applicants regarding the suggested solution. Directed that the open space use evaluation by the subcommittee would proceed in parallel with staff's investigation, and included a policy decision that the City supports the two coastal functions continue to be located on the beach, joint use of the "Scout" building, removal of the Monterey Bay Kayaks building and possible expansion of the Scout building with minimal view impacts (4-1, Haferman voting no)

Senior Planner Marvin presented the staff report, recommending alternative 2a. On question, Administrative Analyst Cea reviewed the current rent for both businesses.

Councilmember Roberson voiced concerns regarding a piecemeal approach to this property and a lack of creativity with regard to solutions. He asked if the tenants would find an expanded building acceptable. Mayor Albert voiced concerns regarding demolition of one building, then expanding another. Public Facilities Director Anderson reviewed previously studied alternatives.

Mayor Albert opened the floor for public comment. Barbara Bass Evans said that the staff report does not present all of the options. She spoke in opposition to extending the leases, saying that the property should be open space, and asked Council to refer the waterfront uses back to the appropriate commissions. She said that Measure G was passed by 85%, there should be an EIR before leasing the property long-term, and the leases should be subject to a bidding process. She said the kayak rental operation should be relocated to the train depot. Don Hoover, Monterey Yacht Club, said that the club is a non-profit and charges only enough to cover the cost of the lease. He said that the current location of the boat yard is the most convenient for boaters and cars. He said that the beach side is the logical place to put boats. On question, he clarified that the club does not log trips into and out of the yard.

Garth Hobson, Yacht Club Commodore, reviewed the use of the boat storage yard and some of the events held there. He said that he recently cleaned trash out of the yard and he plans to remove the weeds. He agreed with the previous speaker regarding traffic. Richard Ruccello, Monterey resident, said that open space has a multitude of buildings allowed, and commissions are just beginning a process regarding open space use. He said he is disappointed about the condition of the boat yard, and he asked Council to protect the Window on the Bay open space forever.

On question, City Attorney Mall explained that Measure G only applies to sales or transfers of property, and does not apply with regard to these leases. She stated that there was already an EIR, there is no case law to determine if this is a coastal dependent use, and the public bidding process does not apply in this case because it is not a purchase of goods or services.

Michelle Knight, Adventures by the Sea, expressed appreciation of the Council's stated support of both uses. She said Adventures by the Sea is one of three area venues promoted at conventions. She stated that they are not opposed to expansion of their building, but have concerns regarding getting approval from the Coastal Commission. She said that putting the two businesses together might cause some conflicts between the users. She suggested surrounding the existing buildings with parks rather than parking lots. She explained that they purchase beach permits when they set up tiki huts on the beach. Frank Knight, co-owner of Adventures by the Sea, thanked the Council for their support. He clarified that the City hired an appraiser that estimated fair market rent for their building at \$1.50 per square foot. He suggested keeping the kids' boats with the kayaks if the boat yard were moved to the other side of the street. Mr. Knight stated that they are ready to work with the City, and he noted that their business is not open every day.

Cass Schrock, Monterey Bay Kayaks, submitted a document showing impacts to her business of each of the options presented. She said that her business needs to be in a separate building from Adventures by the Sea, as they are competitors. She noted that hers is a coastal dependent business and Adventures by the Sea is a coastal related business. Having no further requests to speak, Mayor Albert returned the discussion to the City Council.

Councilmember Della Sala suggested extending the Adventures by the Sea building by covering the promenades and designing the interior of the building so both businesses can share a total of 8,000 square feet. He suggested that 3,000 square feet be used for Monterey Bay Kayaks and 5,000 square feet for Adventures by the Sea, with 1,000 square feet of storage for the kayaks. He suggested a five-year lease with a five-year option if the tenants made the improvements. Councilmember Downey said that she would like to consider the suggestion and wait until the Open Space Zoning Study is completed. She said that she would rather have a three-year option added to the current lease.

Councilmember Haferman said that views should be considered from the midst of Window on the Bay park, not from Del Monte Avenue. He said that he personally likes the vibrancy created by these businesses, and he believes the community is divided on this issue, and the majority opinion is not clear to him. He stated that he is not prepared to support Councilmember Della Sala's idea without staff analysis. He agreed that he would like to wait until the o-zone matter is determined, and perhaps refer these leases to that subcommittee and through the commission process.

Councilmember Roberson said he likes Councilmember Della Sala's creative solution because the Council is gaining open space, keeping both businesses in operation, and making the boat yard functional. He noted that the Adventures by the Sea Building acts as a sea wall. He said that Mr. Della Sala's idea makes the vision and the goal for the space. Mayor Albert said that he appreciates what Councilmember Haferman is saying. He said that maybe Council can have it all.

Community Development Director Wojtkowski said that the Coastal Commission staff has previously expressed concerns regarding any seaward expansion of the building.

It was moved by Councilmember Downey to postpone the decision until after the open space zoning decision and to direct staff to investigate the feasibility of Councilmember Della Sala's suggestion, investigate the Coastal Commission's views and talk with the applicants regarding the suggested solution.

Councilmember Roberson asked to amend the motion to state that the policy direction is for joint usage and possible expansion of the Adventures by the Sea building, while the Open Space Zone Subcommittee continues their process. Councilmember Downey agreed that was the intent of her motion, as well as supporting that the two coastal functions continue to be located on the beach.

Councilmember Haferman stated that his preference would be to retain the Monterey Bay Kayaks building, as he believes that it adds a certain ambience to the area.

Councilmember Roberson suggested amending the motion to clarify that the open space use evaluation by the subcommittee would proceed in parallel with staff’s investigation of Councilmember Della Sala’s suggestion, and to include a policy decision that the City supports joint use of the “Scout” building, removal of the Monterey Bay Kayaks building and possible expansion of the Scout building with minimal view impacts. Councilmember Downey agreed to the amendment, and Councilmember Della Sala seconded the motion.

City Manager Meurer asked for clarification that this approach would include a redesign of the interior of the building, and staff should explore the feasibility within the business’ functional needs. Councilmembers agreed. Councilmember Haferman said that he could not support the part of the motion that includes combining both uses in one building.

The motion carried by the following vote:

AYES: 4 COUNCILMEMBERS: Della Sala, Downey, Roberson, Albert
NOES: 1 COUNCILMEMBERS: Haferman
ABSENT: 0 COUNCILMEMBERS: None

City Manager Meurer asked if Council would like to give guidance regarding the boat storage yard. Councilmembers agreed that it immediately needs to be cleaned up, it should stay where it is, and the City could begin the master plan with the boat yard staying in place east side. Councilmember Haferman asked staff to look at the space between the boat yard and the storage at the scout house.

- 5. Requesting Authorization to Apply for Bureau of Justice Assistance Grant (JAG) Funds for the Purchase and Installation of a Police Evidence Bar-Coding System (Police 409-02)
Action: Authorized the Police Department to apply for federal grant funds, as recommended in the staff report

Deputy Police Chief Aspland presented the staff report. Mayor Albert opened public comment, and having no requests to speak, closed public comment.

On a motion by Councilmember Albert seconded by Councilmember Haferman, and carried by the following vote, the City Council Authorized the Police Department to apply for federal grant funds, as recommended in the staff report:

AYES: 5 COUNCILMEMBERS: Della Sala, Downey, Haferman, Roberson, Albert
NOES: 0 COUNCILMEMBERS: None
ABSENT: 0 COUNCILMEMBERS: None

OTHER BUSINESS

- 6. Consideration of Recommendation to Direct Staff to Prepare the Necessary Ordinance and Resolutions to Disband the Colton Hall Museum/Cultural Arts Commission and Form a Library Cultural Arts Subcommittee (Della Sala, Roberson 701-07)
Action: Postponed a decision for three months.

City Manager Meurer introduced the item. Mayor Albert opened the floor for public comment, and having no requests to speak, returned the discussion to the City Council.

Councilmember Della Sala said that he and Councilmember Roberson are interested in strengthening this body, regardless of its structure and they felt it would be complementary with the Library Board. He said that a Library Board Member had asked to delay this action until they can meet and discuss the matter. Mayor Albert said that for a City the size of Monterey this seems like an appropriate commission to have, and Councilmember Downey agreed.

It was moved by Councilmember Downey, and seconded by Mayor Albert to postpone this decision for three months.

Councilmember Roberson clarified that part of the recommendation was due to the elimination of 56 staff members and staffing might be an issue. Councilmember Della Sala said that this review is beneficial and has lit a fire under the commission. He said that Council must look at all of the City's operations on an ongoing basis. Councilmember Haferman asked for clarification if the motion included the \$10,000 grant, and Councilmember Downey confirmed that it did.

The motion carried by the following vote:

AYES:	5	COUNCILMEMBERS:	Della Sala, Downey, Haferman, Roberson, Albert
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None

COUNCIL COMMENTS

Councilmember Roberson asked staff to look into what could be done about a large, unsightly utility box and streamlining the signal poles near Carl Outzen's new building. He thanked staff for being responsive to neighbors' inquiries with regard to Monte Vista School, noting that the operation of that facility is going well. He said that he understands that some people on the water waiting list have dug wells and obtained building permits, but still may be on the waiting list. Community Development Director Wojtkowski clarified that this topic would be brought forward to Council. He reported that the Water Subcommittee is trying to come up with an approach to grant water to all of those on the waiting list, while reserving the water from the withdrawn roller rink project for affordable housing. Councilmember Roberson said that residents are requesting removal of a stop sign on York Road that was installed during the Highway 68 construction.

Councilmember Haferman said the COPS and CPA program updates were informative, as well as the Laguna Grande Park clean up report. He said that Councilmember Roberson and he are on the Waterfront Subcommittee and he hopes that a beautification program could be on a Council agenda prior to the next subcommittee meeting.

Councilmember Downey offered kudos to City Manager Meurer for becoming a fellow at CSUMB and to the Streets Division for their safety record. She reported on a recent AMBAG meeting where PG&E said that they are offering a 20% discount to low income households. Ms. Downey gave a commendation to the Police Department for officers' handling of a recent situation that began in Marina and ended in Monterey.

Councilmember Della Sala said he recently attended a 90th birthday party for a friend, who mentioned that there are very few curb cuts for handicapped access in his Old Town neighborhood, specifically around Franklin, Watson and Van Buren. Councilmember Della Sala reported that he and the Mayor attended a meeting of the neighborhood association presidents and almost all of them had concerns with traffic. He said that the main arterial streets are clogged,

which causes traffic to spill over into the neighborhoods. He said that all of the arterials would be improved under TAMC's 14-year plan, which would help alleviate neighborhood traffic problems.

Mayor Albert said that the Catellus site is essential and critical, and Council needs to take adequate time to make a decision. He complimented the Council for their handling of that item tonight.

CITY MANAGER REPORTS

City Manager Meurer reported that one of the most significant issues for Monterey right now is how the City deals with stormwater runoff. He said that there would be a presentation to the City Council regarding Marine Life Protected Areas on Wednesday at 4:00. He stated that the level of protection that comes out of this process would impact the level of effort needed for stormwater management. He gave an update on the Areas of Biological Significance, reviewing the potential costs. He said that the final piece of stormwater is the requirement to obtain State approval of the City's stormwater management plan (SWAMP), and staff presented that to the regional board last week with a positive staff recommendation along with a support from the Marine Sanctuary. Mr. Meurer said that the board found great fault with the plan, and staff was sent back to meet with the Natural Resources Defense Council to work out differences. He noted that the decision would be very subjective, that the City and County of Los Angeles is currently suing the State on this matter, and the case is on appeal.

City Manager Meurer reported that on Thursday at 7:00 p.m., there would be a public presentation of the new model for the Public Service Center.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Albert adjourned the meeting at 10:40 p.m.

Respectfully Submitted,

Approved,

Bonnie L. Gawf, City Clerk

Dan Albert, Mayor