

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

CALL TO ORDER:

Mayor Albert called the meeting to order at 7:00 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, Assistant Library Director, Police Chief, Deputy Public Works Directors, Senior Planner

CONSENT ITEMS

City Manager Meurer presented a nameplate to the Mayor with his new title of Watermaster. He said that members of the public have requested removal of Items C5 and C6, from the Consent Agenda, and a Councilmember requested removal of Item C10.

On a motion by Councilmember Downey, seconded by Councilmember Della Sala, and carried by the following vote, the City Council approved the Consent Agenda, except items C5, C6 and C10, which were removed for public comment and discussion:

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

Approval of Minutes

C1. March 21, 2006 (City Clerk 701-09)
Action: Approved

Award of Contract

C2. Award of Contract for Del Monte Avenue Resurfacing Project 2006 and Appropriation of Funds (Public Works 807-01)
Action: Adopted Resolution No. 06-41 and Resolution No. 06-42

C3. Award of Contract for Presidio Buildings #339 and #340 Repair and Remodel (Public Works 405-04)
Action: Adopted Resolution No. 06-43

Ordinances

- C4. Second Reading - Recommendation from the Parks & Recreation Commission to Adopt an Ordinance Prohibiting the Use of Tobacco Products in or Around Beaches and to Create Smoking Zones adjacent to the Beach, and Recommending a \$25 Fine. (Public Works 809-05)

Action: Adopted Ordinance No. 3369

- C5. Second Reading—Amending Monterey City Code Section 23-9, Camping, Picnicking and Day Use Permits (Public Works 809-05)

Action: Removed from Consent; took public testimony; adopted Ordinance No. 3370

Mayor Albert opened the floor for public comments. Donald Dean Carlson, Social Scientist and Underwriter for Stadium Communities, said that he has been using Veterans Park for his living arrangements, and asked Council to do what they could to assist him. Having no further requests to speak, Mayor Albert returned the discussion to the Council.

Councilmembers discussed the status of the park as a vacation area, not a place for permanent living arrangements, and that the proposed rules are fair.

On a motion by Mayor Albert, seconded by Councilmember Haferman, and carried by the following vote, the City Council adopted Ordinance No. 3370:

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

Resolutions

- C6. Approving Revisions to Terms of Tidelands Lease for Cannery Row Hotel (750 Cannery Row) (Community Development 206-03)

Action: Removed from consent; public testimony taken; adopted Resolution No. 06-44

Mayor Albert opened public comment on the item. Barbara Bass Evans, Save Our Waterfront Committee, asked what is the status of the project and if financing is in place for it. She asked staff to explain the term of the lease. Having no further requests to speak, Mayor Albert closed public comment. City Manager Meurer said that the financing is in place, and the delay has been in working out the details of obtaining the necessary approvals from various agencies. Community Development Director Wojtkowski explained that the length of the lease corresponds to the length of the lease with Cannery Row Company and is similar to the agreement with Monterey Plaza.

On a motion by Councilmember Downey, seconded by Councilmember Della Sala, and carried by the following vote, the City Council adopted Resolution No. 06-44, approving the revisions to the Tidelands lease:

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

- C7. Amending Memorandum of Understanding between City and Police Lieutenants Management Association (PLMA) to Adjust Benefits (Personnel 507-07)

Action: Adopted Resolution No. 06-45

- C8. Transfer of Funds - Harrison Street Walking Path to Veteran's Park NIP (Public Works 808-02)
Action: Adopted Resolution No. 06-46
- C9. Appropriation of Funds – Oceanview Plaza Community Services District (Finance 706-09)
Action: Adopted Resolution No. 06-47
- C10. Approving Extension of Exclusive Negotiation Agreement with Foothill Partners for Lease of City-Owned Leasehold Parcel at 570 Munras Avenue (APN# 000-58-018) (Community Development 206-03)
Action: Removed from Consent; discussed; adopted Resolution No. 06-48

City Manager Meurer presented the staff report. Councilmember Della Sala said that he would recuse himself from the vote and abstain due to a potential conflict of interest.

On a motion by Councilmember Haferman, seconded by Councilmember Downey, and carried by the following vote, the City Council adopted Resolution No. 06-48, approving the extension of the agreement with Foothill Partners:

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

On question, Mr. Weile, Foothill Partners, said that Safeway’s short-term lease has helped Foothill complete their tests and plans. He said that they have a hearing scheduled in front of the Architectural Review Committee tomorrow.

Other

- C11. Settlement of Workers' Compensation Claim - R. Medvick (Personnel 505-02)
Action: Approved

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

PUBLIC COMMENTS

Mayor Albert opened the floor for Public Comments on items not on the agenda. Lee Willoughby, member of the Tidepool Commission in Pacific Grove, voiced concerns about Police Department actions taken at a rally that her group held at the Monterey Bay Aquarium on March 11. She said they would never come back to Monterey for a rally. City Manager Meurer gave a brief summary of the events, saying that the staff made a mistake, and the Mayor has sent a letter of apology. Having no further requests to speak, Mayor Albert closed Public Comments.

PUBLIC APPEARANCE

- 1. Approving Renewal of Historic Monterey Memorandum of Understanding between City, Monterey History and Art Association and California Department of Parks and Recreation (Monterey District) (Library 704-02)
Action: Adopted Resolution No. 06-49

Kim Bui Burton presented the staff report and with the assistance of Bill Curtis, President, and John Dailey, Executive Director of Monterey History and Art, presented a grant award plaque to the Mayor and City Council. Mr. Curtis made brief remarks. City Manager Meurer noted that the Diocese of Monterey, the Army, and the Navy also played a very active part in this application.

Mayor Albert opened the floor for public comment, and having no requests to speak, returned the discussion to the City Council. The City Council expressed their pride about the agreement and gratitude for the award.

On a motion by Councilmember Della Sala, seconded by Councilmember Haferman, and carried by the following vote, the City Council adopted Resolution No. 06-49, approving the renewal of Historic Monterey MOU between the City, the History and Art Association, and California Departments of Parks and Recreation:

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

COUNCIL COMMENTS

- 2. Councilmember Request to Agendize Review of Water Allocation and Water Waiting List (Roberson 203-01)
Action: Agendized

Councilmember Roberson referred to his written proposal and recommended that Council agendize this matter so those individuals on the water waiting list could obtain a water supply. He suggested that the waterless urinals project could be used to restore water reserves for affordable housing.

After discussion, it was moved by Councilmember Roberson, seconded by Councilmember Della Sala, and carried by the following vote, to agendize the matter for a future agenda:

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

City Manager Meurer clarified that staff would bring back a report regarding what affordable projects, if any, are in the pipeline. He noted that there are some on the waiting list who could develop or have already developed a well, and one policy issue would be whether they can remain on the list.

- 3. Councilmember Request to Agendize Endorsement of One or More Marine Protected Areas (MPA) Network Packages as Part of the Marine Life Protection Act Initiative Process (Downey 904-11)
Action: Discussed; motion to agendize died for lack of a second; no action taken

Councilmember Downey noted that new packages have come forward since Council heard the presentation. She said that if Council does not take a formal position on this matter, the past policy would stand, and that tends to support to Package #1 and meets the scientific guidelines. City Manager Meurer said that while the staff report mentions the April 18th meeting, it would be more prudent to wait until the packages are more definite before agendizing this matter, and Council should hear more about any new packages before taking a position. He said that while Council has not formally endorsed Package #1, their past policy direction tends to support that package.

Mayor Albert opened public comment. Lee Willoughby said that she believes that the Blue Ribbon Task Force process was fatally flawed because the City of Pacific Grove was not included as a stakeholder, in spite of the City-owned marine gardens. She said that the process was not open or transparent. Gary Shellcross, New Monterey resident & neighborhood association member, voiced concerns about the changing packages and recommended that the City voice specific concerns to

the commission rather than supporting a package. Barbara Bass Evans said that the New Monterey Neighborhood Association just published a newsletter, and articles regarding this process are the lead stories. She thanked Councilmember Downey for bringing it back for discussion and asked Council to stay informed. Having no further requests to speak, Mayor Albert closed public comment on the item.

Councilmember Haferman expressed appreciation for the public comments and said that he would recommend not endorsing a specific package because it is a moving target. Councilmember Della Sala said that he does not believe that Council has the expertise to get their arms around this matter, but rather should leave the policy as it stands. He said that Fish and Game is the ultimate decision-maker, and he would rather not agendize the matter.

Councilmember Downey said she has spent a lot of time studying this matter while working with the Sanctuary and she would like Council to take a position. She noted that Package #1 has never changed during the process. Councilmember Roberson recommended that individual Councilmembers could take a stand. Councilmember Downey said that if any plan other than Package 1 is passed it would hurt Monterey's fishermen, and she feels a need to support Monterey's fishing industry.

It was moved by Councilmember Downey to agendize the topic and hear additional information on the proposals, and the motion died for lack of a second.

City Manager Meurer clarified that staff, if asked, will continue to articulate the Council's past policy direction.

Councilmember Della Sala said that there is a great move afoot to improve the Monterey High School football field, with a goal to raise \$1.5 million and \$500,000 raised to date. He encouraged support of that effort. On question from Councilmember Roberson, he said that stadium lights would be in Phase II of the project and the school district would have to confirm that the lights would have minimal impacts on the surrounding residents. City Manager Meurer said that because the field is available for use by the general community, the NIP has made a contribution to this project.

Councilmember Downey added that individuals could donate \$250 to purchase a tile for the Monterey High School. She asked that a resolution be agendized to declare April 24 through 30 as West Nile Virus and Mosquito and Vector Control Awareness Week. Ms. Downey reported on a recent AMBAG retreat where CSUMB professors gave a presentation on broadband wireless and the Energy Watch Partnership, a regional energy plan focusing on public buildings. She suggested that staff work with this group to learn how to keep the new Public Service Center building as green as possible. She said that a conference on transportation planning and a Monterey Bay Sanctuary bicycle trails field trip are being planned for the week of May 30 through June 1. She reported that four Monterey staff members made presentations at the Villa Del Monte neighborhood meeting and she was proud of those staff members.

Councilmember Roberson asked for consensus support from the Council for staff to meet with the Energy Watch Partnership group regarding the Public Service Center, and Councilmembers agreed.

Councilmember Haferman supported a green building design for the Public Service Center. He asked for an update on the approved traffic-calming project for Airport Road that has been delayed. City Manager Meurer said that staff would prepare a written report for the City Council. Deputy Public Works Director Turnbeaugh gave a brief verbal update.

Mayor Albert said that the college has formed a committee that will meet four times to consider a process of selecting Directors to their Board by District. He said that the first meeting would be this Thursday, and asked anyone who was interested in representing Monterey on that committee to see him.

CITY MANAGER REPORTS

City Manager Meurer reported that the Planning Commission would conduct a hearing on the Public Service Center next Tuesday, April 11. He said that the Historic Monterey MOU would be signed at a formal ceremony at the Maritime Museum on Friday at 9:00 a.m. Assistant City Manager Cohn said that next Tuesday is expected to be the first cablecast of the Planning Commission meeting. He asked Councilmembers to let the City Manager's Office know if they wish to attend the AMBAG meeting next Monday evening.

Mayor Albert noted that the Council had a very productive joint meeting with the Planning Commission last week. Council adjourned to closed session at 8:30 p.m.

CLOSED SESSION

- 4. Conference with Legal Counsel - Anticipated Litigation – Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 – Number of Potential Cases: One (City Attorney 703-06)
Action: Report received and discussed

ANNOUNCEMENTS FROM CLOSED SESSION

City Clerk Gawf made the announcements as noted above.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Albert adjourned the meeting at 9:00 p.m.

Respectfully Submitted,

Approved,

Bonnie L. Gawf, City Clerk

Dan Albert, Mayor