

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MONTEREY
TUESDAY, JUNE 6, 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. and reminded the audience that today is Election Day, and the polls will be open until 8:00 tonight.

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 and Community Services Director, Library Director, Police Chief, Deputy Public Works Directors, Senior Planner, Museum Coordinator

PRESENTATIONS

§ Recognition of Defense Language Institute Quarterly Joint Service Awards (City Manager 701-17)

Action: Presentations made

Mayor Albert made the presentations to Seaman Aaron Schnider and Petty Officer Anastasia Novosyolova, and the recipients made brief comments.

§ Presentation of Access Monterey Peninsula's Edgar Kennedy Awards to Kimberly Cole and Jim Conway (City Manager 502-08)

Action: Presentations made

Assistant City Manager Cohn introduced Patti Garlinghouse, Director of Administration at Access Monterey Peninsula, who made the presentations.

§ Recognition of City Manager Fred Meurer – Twenty Year Service Award (Mayor 502-08)

Action: Presentation made

The City Councilmembers each made brief comments in recognition of City Manager Meurer, thanking him for his service. City Manager Meurer made brief comments.

CONSENT ITEMS

Councilmember Haferman offered a correction to the May 16, 2006 Minutes on Page 8 where the vote on the second motion on Item 5 should have been recorded as 3-1-1, with Downey voting no and Della Sala abstaining.

On a motion by Councilmember Haferman, seconded by Councilmember Downey, and carried by the following vote, the City Council approved the Consent Agenda, with direction to the City Clerk

to review the tape recording of the May 16, 2006 meeting and amend page 8 of Item C1 as appropriate:

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

Approval of Minutes

C1. May 16, 2006 (City Clerk 701-09)
Action: *Approved as amended*

Resolutions

C2. Adopting 2006-2007 Appropriation Limit (Gann Initiative) (Finance 406-01)
Action: *Adopted Resolution No. 06-75*

C3. Appropriation and Transfer of Funds for the Neighborhood Improvement Program Fund FY 2005-2006 Cut-Off Projects: 1) Casanova Oak Knoll (CONA) Driveways Phase II, 2) El Estero Irrigation Ozonator, and 3) Del Monte Beach Boardwalk Improvements ***NIP*** (Public Works 406-04)
Action: *Adopted Resolution No. 06-76*

C4. Amending Resolution No. 06-42 and Resolution No. 06-65 Authorizing the Appropriation of Funds from the General Fund Ending Balance for the Del Monte Avenue Resurfacing Project 2006 ***CIP*** (Public Works 406-04)
Action: *Adopted Resolution No. 06-77*

C5. Approving Schedule of Fees and Charges for Cemetery Services (Public Works 407-06)
Action: *Adopted Resolution No. 06-78*

Other

C6. Approving the Lower Presidio Historic Park Master Plan Providing Guidance on How to Interpret this Special Historic Area. Several Improvements are Proposed Such as Walking Paths and Signage. Negative Declaration and Finding of No Significant Impact Filed. (Community Development 201-12)
Action: *Approved*

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

PUBLIC COMMENTS

Mayor Albert opened the floor for Public Comments on items not on the agenda. Loretta Davi asked the Mayor and Council to allow 5-7 people, who turned in their application materials late, to participate in the 4th of July parade. City Manager Meurer gave a brief synopsis of the circumstances, saying that Council should agendize the matter if they wish to waive the application deadline. Having no further requests to speak, Mayor Albert closed Public Comment.

PUBLIC APPEARANCE

1. Review 2006-2007 Budget Policy Issues; Neighborhood Improvement Program; and Capital Improvement Program (Public Hearing will be held at the June 20, 2006 City Council Meeting 406-03)

- a. Review of 2006/07 Budget Policy Issues (City Manager)
 - b. Review of Proposed Neighborhood Improvement Program for FY 2006/07 (Public Works)
 - c. Review of Proposed Capital Improvement Program for FY 2006/07 (Public Works)
- Acton: Received & discussed report; continued to evening session**

City Manager Meurer gave the budget presentation, reviewing the Council priorities and budget policy issues. Councilmember Roberson suggested adding priorities regarding balancing how to pay for increased mandates and programs and on “greening” the City via the vehicle fleet.

On a motion by Mayor Albert, seconded by Councilmember Downey, and carried by the following vote, Councilmembers continued the item to the first item on this evening’s agenda:

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

Mayor Albert called a recess at 5:30 p.m., then reconvened the meeting in open session at 7:00 p.m., where all Councilmembers were present.

CONTINUED PUBLIC COMMENTS

Mayor Albert reopened the floor for Public Comments on items not on the agenda. Michael Allen said that the Mayor does not want him here making negative comments, and he does not want to be here. He asked Council to agendize the matter of a variance for his home. Paul Richardson said that he just moved into a home on Franklin Street, and the median is in an inconvenient place and makes it difficult to access his driveway. He asked Council to move the median so it is in a more convenient place with respect to his driveway. Having no further requests to speak, Mayor Albert closed Public Comments.

City Manager Meurer explained that a project to change the Franklin Street median was submitted to NIP, and the committee rejected it. He said that he had sent a letter to Mr. Allen regarding agendizing his issue.

CONTINUED PUBLIC APPEARANCE

- 1. Review 2006-2007 Budget Policy Issues; Neighborhood Improvement Program; and Capital Improvement Program (Public Hearing will be held at the June 20, 2006 City Council Meeting 406-03)
 - a. Review of 2006/07 Budget Policy Issues (City Manager)
 - b. Review of Proposed Neighborhood Improvement Program for FY 2006/07 (Public Works)
 - c. Review of Proposed Capital Improvement Program for FY 2006/07 (Public Works)

Acton: Received public testimony

Mayor Albert opened the floor for public comment. Lee Pease said that Leslie Svetich, North Fremont Business District President, asked her to speak in support of increasing the amount of the North Fremont Business District grant. She said that the goal is to have a professionally designed streetscape plan and reposition North Fremont to second on the undergrounding priority list. Having no further requests to speak, Mayor Albert closed public comment on the item.

Councilmember Della Sala expressed concerns regarding the length of the lease term for the proposed fire truck, saying that the truck might not last as long as the lease. He said that he would like to have \$10,000 included in the budget for cultural arts grants, and Councilmember Roberson

agreed. Councilmember Downey said that she wanted to ensure that there is enough money in next year's budget for keeping the highway ramps clean. She asked about the impact of high gas prices on tourism, and City Manager Meurer said that the growth projection in TOT is very conservative. Ms. Downey expressed concerns regarding the request from MYMuseum, saying that the organization should think about what they would do without the subsidy. Ms. Downey asked for clarification regarding the length of time that was requested for the subsidy at the November 2005 meeting.

Councilmember Haferman said that he is excited to be adopting the budget at the next meeting. He asked that the reporter receive a copy of tonight's power point slides so he could report on their content and give people an opportunity to participate in the process. Councilmember Roberson supported the Fire Captain positions, and asked if the Engineering Technician could be paid by the sewer fund. He noted that contract positions for items such as green belt maintenance is a good way to go. He supported the increase in the Library budget. He complimented staff on finding funding sources for these programs.

Deputy Public Works Director Turnbeaugh reviewed the NIP, and Council discussed the projects and funding, with Mayor Albert noting that the money for NIP comes from the tourists that stay in the local hotels. Mayor Albert opened the floor for public comment on the NIP, and no one came forward. He closed public comment.

Mr. Turnbeaugh reviewed the FY 2006/07 CIP projects. Deputy Public Works Director Stafford gave details on the Alvarado tree lighting project. Mayor Albert opened the floor for public comments, and there were no requests to speak. He returned the discussion to the City Council.

Mayor Albert said that he hopes the road in Monte Regio between Martin and Via Guyuba could be repaired. He announced that Item 4 on tonight's agenda is recommended for continuance and called a recess at 8:15 p.m., reconvening the meeting at 8:20 p.m.

CONTINUED PUBLIC HEARINGS

2. Recommendation of Planning Commission to Amend General Plan Safety Element Policy b.1 to Allow Consideration of Development on Slopes Greater than 25%. Recommendation of Planning Commission to Certify Negative Declaration. (Negative Declaration Filed). - Resolution. (Community Development 203-04) *continued from May 16, 2006*
Action: Certified the Negative Declaration and adopted Resolution No. 06-79, amending the General Plan Safety Element

Senior Planner Marvin presented the staff report.

Mayor Albert opened the Public Hearing. Henry Ruhnke, project applicant and architect, spoke in support of the amendment. He noted the policy's location in the Safety Element, saying that this is not a safety issue, because development on 25% slope can be done safely with the proper engineering. He stated that flexibility is important and any restrictions should be reasonable. Having no further requests to speak, Mayor Albert closed the Public Hearing.

On question, staff clarified that the policy applies to industrial and commercial properties, as well as residential. Councilmember Haferman agreed with the speaker's comments, asking why the language addresses aesthetics if it is within the Safety Element. He said he favors the language proposed by Wald Ruhnke & Dost. Community Development Director Wojtkowski said that this policy could be in other areas of the General Plan, and staff believes that Mr. Ruhnke's language is too flexible and does not contain the necessary findings. He suggested that the language could be

placed into the Urban Design Element. Councilmember Downey said she would like to have some flexibility, but not too much.

Councilmember Della Sala voiced concerns with the phrase “minimal encroachment.” On question, staff clarified that it is difficult to give a blanket percentage, but would rather review each matter on a case-by-case basis. Councilmember Roberson reviewed the history of this matter, and said that staff’s proposed language is the best solution.

On a motion by Councilmember Downey, seconded by Councilmember Roberson, and carried by the following vote, the City Council certified the Negative Declaration and adopted Resolution No. 06-79, amending the General Plan Safety Element Policy b.1 to allow consideration of development on slopes greater than 25% as recommended by the Planning Commission:

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

PUBLIC HEARINGS

- 3. 457, 465, 470, 484, 565 & 570 Cannery Row (Ocean View Plaza); Recommendation to City Council on Extension of Use Permit, Vesting Tentative Map and Tentative Condominium Plan 00-019; Applicant Cannery Row Market Place, LLC (Jacqueline Zischke); Owner Cannery Row Market Place, LLC (Philip Taylor); C-R Zoning District. This will allow extension of the mixed use project that contains a proposed Cannery Row History Center; 87,362 square feet of retail use, which includes 30,000 square feet of restaurant use; 8,408 square feet of Coastal/Community use; 38 market condominiums; 13 inclusionary housing units and 377 parking spaces; and building height over 35 feet. The recommendation extends the project for a total of 2 years and 91 days. (Environmental Impact Report and Supplement to the Final Environmental Impact Report Alternatives Analysis with Statement of Overriding Considerations Previously Certified.) (Community Development 203-02)
Action: Adopted Resolution No. 06-80, and granted a two-year and 91-day extension of the Use Permit, Vesting Tentative Map and Tentative Condominium Plan for the Ocean View Plaza Project as recommended by the Planning Commission

Senior Planner Marvin presented the staff report. Mayor Albert opened the Public Hearing. Dennis Boar, Lombardo & Gillis, representing the applicant said that he is available to answer questions. Having no further requests to speak, Mayor Albert closed the Public Hearing

City Manager Meurer gave a brief update on the lawsuit. City Attorney Mall explained that the judge accepted the City’s demurrer, and only an action against LAFCO for invalidation remains, but that action is flawed.

On a motion by Councilmember Downey, seconded by Mayor Albert, and carried by the following vote, the City Council adopted Resolution No. 06-80, and granted a two-year and 91-day extension of the Use Permit, Vesting Tentative Map and Tentative Condominium Plan for the Ocean View Plaza Project as recommended by the Planning Commission

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

CONTINUED PUBLIC APPEARANCE

- 4. Policy Direction Regarding Sales Prices for Glenwood Circle (Kimberly Place) Condominium Conversion (Community Development 203-02) *continued from May 16, 2006*
Action: Continued to June 20, 2006

On a motion by Councilmember Haferman, seconded by Councilmember Della Sala, and carried by the following vote, the City Council continued the item to June 20, 2006:

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

PUBLIC APPEARANCE

- 5. Update and Preliminary Estimated Cost Implications of the City's "Monterey Regional Storm Water Management Plan" (Public Works 806-03)
Action: Received report

City Manager Meurer introduced the item, and Deputy Public Works Manager Turnbeaugh presented the staff report. Councilmember Roberson suggested tracking the notices that are being sent to the public notifying them of the possibility of fees.

- 6. Approval Lighthouse District Destination Plan Traffic Analysis Scope of Work (Public Works 803-12)
Action: Approved (3-2, Haferman and Roberson voting no)

Deputy Public Works Director Turnbeaugh presented the staff report. Mayor Albert opened the floor for public comment. Lee Steinmetz, New Monterey Business Association Board Member, said that the association supports the analysis. He said that the plan was presented to the Cannery Row Association, and they did not take a formal position on the study. Having no further requests to speak, Mayor Albert he closed public comment on the item.

Councilmember Downey suggested that seeing a schedule of the proposed improvements would be helpful.

Councilmember Roberson said that he is not going to support this item because the traffic flow works well now. He said that studying a particular solution almost puts a blessing on it, and he does not want to do that at this time. He said that common sense tells him that reducing the number of lanes would be a disaster. Councilmember Downey asked Mr. Roberson to be open to having the study done so Council could see what options are available. Councilmember Della Sala said that the status quo is unacceptable, and he believes a study is in order.

Councilmember Downey moved to approve the scope of work and alternatives to perform the traffic analysis to evaluate the Lighthouse District Destination Plan, and Councilmember Della Sala seconded the motion.

Councilmember Haferman said he would like to see the signal synchronization schedule. He stated that he is not going to support the motion because he would like to have the item continued and refined with additional input from the interested parties.

Councilmember Downey pleaded for support of the motion so more knowledge could be obtained. Councilmember Roberson said that he would support a study of how to get people out of their cars or how to open access through DLI.

Mayor Albert said he will support the motion, but that does mean that he will support any of the proposed plans when the study comes back. He said that he also believes this plan should be funded by a partnership.

The motion carried by the following vote:

AYES:	3	COUNCILMEMBERS:	Della Sala, Downey, Albert
NOES:	2	COUNCILMEMBERS:	Haferman, Roberson
ABSENT:	0	COUNCILMEMBERS:	None

COUNCIL COMMENTS

Councilmember Della Sala thanked those who participated by voting in today’s election. Councilmember Downey reported that she attended an AMAP workshop regarding historic designations. Councilmember Haferman said he attended National Safe Boating Week and Armed Forces Day at the Coast Guard pier and it was very informative and interesting. He said that he was impressed with the Coast Guard’s demonstration of how they work with Monterey’s public safety forces. He stated that the partnership with Dubrovnik, Croatia has been a good and beneficial relationship. He thanked Councilmember Downey and Mayor Albert for their work toward the clean up of the highway ramps.

CITY MANAGER REPORTS

City Manager Meurer reported that arrests were made today in connection with a recent bank robbery. He said that Del Monte Center is working with the City on signage for a major upgrade to their tenants, to include PF Chang’s, Pottery Barn, and Williams Sonoma. Mr. Meurer reported that Foothill Partners is moving forward with their project, but it might be necessary to grant Safeway another lease extension. He gave a brief update on telecommunications legislation, saying that the State bill would take away control of City streets, the local franchise fee, and it would be a major blow to City finances and communications capabilities. Assistant City Manager Cohn said the legislation is written in such a way that could preclude the City from using the INET, which was paid for by the City.

City Manager Meurer reported that the County cancelled a briefing to Monterey’s Boards and Commissions, because they prefer to hold a Peninsula wide meeting. He voiced concerns that approach could dilute Monterey’s issues. Councilmembers agreed that they would submit questions at the regional meeting and if they are not adequately answered, ask for a Monterey meeting.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Albert adjourned the meeting at 10:22 p.m.

Respectfully Submitted,

Approved,

Bonnie L. Gawf, City Clerk

Dan Albert, Mayor