

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MONTEREY
TUESDAY, August 15, 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 4:03 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, Human Resources Director, Library Director, Police Chief, Director of Plans, Engineering & Environmental Compliance

PRESENTATIONS

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

Action: Presentation Made

Mayor Albert presented the proclamations and the recipients made brief comments.

§ Street Division Safety Recognition - Three Years Without a Lost Time Accident (Public Works 701-17)

Action: Recognition given

City Manager Meurer gave a brief presentation. Mayor Albert called employees from the Street Division forward for recognition.

CONSENT ITEMS

Mayor Albert noted that a member of the public has requested to remove Item C3 from the agenda. City Manager Meurer gave a brief staff report on Item C9, explaining that the Council's requirement for the architectural design of the wall to resemble a sand dune requires an encroachment of a maximum of five feet. He made a clarification on Item C13, noting that staff would be coordinating with the NIP Committee.

On a motion by Councilmember Roberson, seconded by Councilmember Downey, and carried by the following vote, the City Council directed staff to conduct a meeting with the NIP Committee on Thursday, August 17th to discuss the RFP for Program Management Services for FY '06-07 for CIP and NIP Projects; schedule a future meeting to obtain input on the proposals that are received; and authorized the RFP:

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

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 Item C3, which was removed for discussion and separate action and Item C13, which was amended and approved separately:

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

Approval of Minutes

C1. July 18, 2006 (City Clerk 701-09)
Action: Approved

C2. July 26, 2006 (City Clerk 701-09)
Action: Approved

Award of Contract

C3. Construction of Foothill School Student Drop-Off Safety Zone *** NIP *** (Public Works 808-02)
Action: Removed from Consent; discussed; continued, pending additional information

Mayor Albert opened the floor for public comments on the item. Tom Rowley said that the drop-off safety zone required a lot of team effort, and he thanked those involved in getting the project done. He said that this is one of several very long-term projects that the NIP and staff have worked on. He thanked the Council. Having no further requests to speak, Mayor Albert returned the discussion to the City Council. Councilmember Della Sala noted what an important improvement this is for the school.

It was moved by Councilmember Della Sala, and seconded by Mayor Albert, to adopt Resolution No. 06-121, awarding the contract.

Councilmember Roberson voiced concerns regarding the possibility of closure of the school after the expenditure of this money. Councilmember Haferman suggested deferring the action until a commitment could be obtained from Monterra Properties and the school district. City Manager Meurer confirmed that part of the delay for this project was due to concerns over school closure. Mr. Reichmuth suggested that he talk with the president of the school board, and meanwhile he could request an extension of the bid award for 60 days from the contractor.

Conditions: Time extension and suitable letter from school district

The Mayor recognized Mr. Rowley, and he noted that the school has over 400 students, and his neighborhood had not been able to obtain a definitive answer from the District.

Councilmember Roberson offered a substitute motion to approve the contract based on a written letter of commitment from the School District that the school would remain open for at least five years, and Councilmember Downey seconded the substitute motion.

Councilmember Haferman suggested that the matter be continued until after the School Board addresses the issue.

Councilmember Roberson withdrew his substitute motion, and the seconder agreed.

Councilmember Della Sala withdrew the original motion, and the seconder agreed.

Councilmember Haferman moved, and Councilmember Della Sala seconded, to continue the item until staff obtains the necessary information from the School District.

Mayor Albert stated that he would prefer to move forward, but will reluctantly support the motion.

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

Resolutions

- C4. Authorizing the City Manager on Behalf of the City to Enter into a Memorandum of Understanding with the Monterey County Emergency Medical Services Agency for Participation in an Automatic Electronic Defibrillator Program that Includes a Hold Harmless Clause (Police 601-05)
Action: Adopted Resolution No. 06-122
- C5. Approving Request To Close Streets And Use Of City Property For The Big Sur Half Marathon On Monterey Bay Event On Sunday, October 29, 2006 (Police 302-01)
Action Approved
- C6. Amend Resolution No. 06-41 to Revise Scope of Work for the Del Monte Avenue Resurfacing Project 2006 ***CIP*** (Public Works 807-02)
Action: Adopted Resolution No. 06-123
- C7. Approving License Agreement with Monterey Museum of Art for Use of Elkins Park (Public Works 206-03)
Action: Adopted Resolution No. 06-124
- C8. Request Authorization to Purchase Four 2007 Ford Crown Victoria Police Interceptors for Police Field Operations, Three 2007 Ford Ranger Pick-ups for Parking Maintenance, Four 2007 GO-4 Scooters for Parking Enforcement, and One Police Administration Sedan for the Police Department (Public Works 607-06)
Action: Adopted Resolution No. 06-125
- C9. Accepting an Offer of Dedication of a Public Pedestrian Access Easement through the Ocean Harbor House Property and Authorizing the Director of Plans Engineering and Environmental Compliance to Grant Encroachment Permits for a Seawall (Public Works 803-13)
Action: Adopted Resolution No. 06-126
- C10. Approving Final Map for Stephens Place Subdivision (Public Works 203-06)
Action: Adopted Resolution No. 06-127
- C11. Transfer of Funds - El Cuartel Parking Lot Improvements *** CIP *** (Public Works 406-44)
Action: Adopted Resolution No. 06-128

Other

- C12. Approving First Night Monterey Request to Close Streets and Use of City Property for Event on December 31, 2006 (Recreation 302-02)
Action: Approved

- C13. Authorizing RFP for Program Management Services for FY '06-07 for CIP and NIP Projects (Public Works 807-02)
Action: Directed staff to brief the NIP Committee on August 17, 2006, then meet with them again to review RFP responses; authorized RFP
- C14. Referring Del Monte Avenue/Window-on-the-Bay Priority "B" Lands to the Planning Commission and the Parks and Recreation Commission for Review and Recommendations (Public Works 203-02)
Action: Referred

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

PUBLIC COMMENTS

Mayor Albert opened the floor for Public Comments on items not on the agenda. Tom Rowley thanked the City Manager for intervening with the property owners of Monterra regarding the Foothill School project. He stated that the NIP Committee would not have approved the project without consulting with the school district. Having no further requests to speak, Mayor Albert closed Public comments, and adjourned the meeting to a closed session at 4:48 p.m.

CLOSED SESSION

1. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6 –Agency Negotiators: Fred Cohn, Ralph Bailey, Mike McCarthy, Sam Mazza, Don Rhoads, Karen Larson, Ellen Aldridge (Avery and Associates) - Employee Organization: Monterey Firefighters Association (MFFA) (City Manager 507-04)
Action: See action under Item #2
2. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6 – Agency Negotiators: Fred Cohn, Ralph Bailey, Mike McCarthy, Sam Mazza, Don Rhoads - Employee Organization: Fire Management Association (FMA) (City Manager 507-05)
Action: On a unanimous roll call vote, the City Council confirmed the negotiating teams for MFFA and FMA labor negotiations and gave confidential direction to their negotiators
3. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6 Monterey Police Association (MPA) Agency Negotiators: Ralph Bailey, Mike McCarthy, Fred Cohn, Carlo Cudio – Employee Organization: Monterey Police Association (MPA) (City Manager 507-06)
Action: Received and discussed report
4. Public Employee Annual Performance Evaluation – Pursuant to Government Code Section 54957 – Title: City Attorney (Council 501-02)
Action: Continued to evening session; received and discussed report
5. Public Employee Annual Performance Evaluation – Pursuant to Government Code Section 54957 – Title: City Manager (Council 501-02)
Action: Continued to evening session; received and discussed report

Mayor Albert called a recess at 5:36 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.

PRESENTATIONS

- § Recognition of Retiring Provost and Interim President Diane Cordero de Noriega from CSUMB (City Manager 701-17)
Action: Recognition given

Mayor Albert read and presented a proclamation to Dr. Cordero de Noriega, and she made brief comments.

- § Recognition of Dick Elster, Retiring Provost of the Naval Postgraduate School (Mayor 701-17)
Action: Recognition given

Mayor Albert introduced the item, and City Manager Meurer gave a brief presentation, reviewing some of Dr. Elster's accomplishments and his role in the BRAC hearings. Dr. Elster, made brief comments.

CONTINUED PUBLIC COMMENTS

Mayor Albert reopened the floor for Public Comments on items not on the agenda. Michael Allen said that the Council previously received a request from Councilmember Haferman to agendize a matter, and the motion he made was not seconded. He asked Councilmembers to take action to agendize the matter. Nelson Vega said that last week's action to revoke actions on the approval of the Civic Center disappointed him, and he hopes the matter will come back for further consideration by the City Council. He said it bothered him that Council did not place the issue on the ballot, and he asked Council to keep the money in reserve for the project.

Debra Stewart, North Fremont Business District Past President, shared emails supporting Monterey on Ice. She thanked Council for their support last year, and asked Council to grant support this year. Lee Pease said that tomorrow is her last day as the Executive Director of the North Fremont Business District. She asked the Council to financially sponsor Monterey on Ice this year. She thanked Council and the staff for their support and encouragement. Shirley Winter Wiley spoke in support of Monterey on Ice and stated that she had 1500 signatures supporting a permanent ice rink in Monterey. Having no further requests to speak, Mayor Albert closed Public Comments.

Mayor Albert read from the fourth letter that the City Manager sent to Mr. Allen regarding his issue, The letter requested that Mr. Allen put his request in writing and that he hire competent legal counsel to address his concerns with the court's action.

PUBLIC HEARINGS

Councilmember Della Sala recused himself from Item #6 due to a potential conflict of interest, stepped down from the dais and exited the Chamber.

- 6. Resolution of Intention to Establish a Business Improvement District to Provide Additional Non-City Resources for Tourism Marketing (Finance 407-08)
Action: Held Public Hearing; adopted Resolution No. 06-129 (4-0-1, Della Sala not participating due to a potential conflict of interest)

City Manager Meurer presented the staff report. He said that the control of the program rests with the Convention and Visitors Bureau members, and Monterey is the convener of the BID, not the controller for other jurisdictions. He said that the City of Pacific Grove has decided not to participate and gave a history of Visitor Center participation by area cities. Mr. Meurer explained that the additional money for marketing is expected to significantly increase revenues.

On question, City Manager Meurer explained that the hotel industry would vote on this matter by way of a majority protest hearing. On question, Public Facilities Director Anderson explained that notices would be sent to all participants following this meeting. On question, Finance Director Rhoads reviewed the range of accommodations available to visitors.

Mayor Albert opened the Public Hearing, and having no requests to speak, closed the Public Hearing. He noted that Monterey traditionally has been a leader in these areas, and tonight is another opportunity.

On a motion by Councilmember Roberson, seconded by Councilmember Haferman, and carried by the following vote, the City Council adopted Resolution No. 06-129, stating their intention to establish a Tourism Business Improvement District to provide additional non-City resources for tourism marketing:

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

Mayor Albert called a recess at 8:17 p.m., then reconvened the meeting at 8:25 p.m.

- 7. 10 Via Paraiso - Planning Commission Recommendation to Rezone 10 Via Paraiso Street from R-1-8 (Residential Single-Family) to R-1-8-H-2 (Residential Single-Family, City Historic Resource Overlay) and Mills Act Contract; (Applicant/Property Owner - Richard Byrd); (Exempt from CEQA Requirements) - First reading Ordinance (Community Development 203-02)
Action: Held Public Hearing; passed Ordinance to print; approved Mills Act contract with conditions

Community Development Director Wojtkowski presented the staff report. Mayor Albert opened the Public Hearing, and having no requests to speak closed the Hearing.

On a motion by Councilmember Roberson, seconded by Councilmember Downey, and carried by the following vote, the City Council passed the Ordinance to print rezoning 10 Via Paraiso from R-1-8 to R-1-8-H-2; and approved the Mills Act contract for 10 Via Paraiso, with conditions as recommended by staff:

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

- 8 Recommendation of Planning Commission to Amend the Zoning Ordinance to Limit Hours of Construction in all Zoning Districts to Monday through Friday between 7:00 a.m. and 7 p.m. and Saturday and Sunday between 8 a.m. and 6 p.m.; Exempt from CEQA Requirements; Ordinance First Reading (Community Development 203-02)
Action: Held Public Hearing; amended and passed Ordinance to print, limiting hours of construction in all Zoning Districts

Community Development Director Wojtkowski introduced the item and Senior Planner Marvin presented the staff report. On question, he explained that landscaping an existing yard would not require a permit, so would not be subject to these rules. He said that a notice of the hours are included on the building permit. Mr. Wojtkowski explained that this might result in some additional calls for the police department in the evenings. On question, Planning Commission Chair Garden stated that the Planning Commission initiated this matter, and that this ordinance would cure most of the concerns of the neighborhoods with regard to the issue. He confirmed that several other cities' ordinances were reviewed. Mayor Albert suggested that if the ordinance is passed, Council review the matter in one year.

Mayor Albert opened the Public Hearing and having no requests to speak, closed the Hearing.

Councilmember Della Sala expressed concern that the Sunday hours should be shortened, and Councilmember Downey agreed. Councilmember Roberson said that he does not believe that there is a chronic problem, and he would rather begin by warning violators. He noted that most inside construction could not be enforced. Councilmember Downey said that she is concerned about addition to the Police Department's workload.

On a motion by Councilmember Haferman, seconded by Councilmember Della Sala, and carried by the following vote, the City Council passed an Ordinance to print limiting hours of construction in all zoning districts as recommended, except limited construction hours on Sunday between 10:00 a.m. and 5:00 p.m. with a review in one year or sooner if there are problems:

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

PUBLIC APPEARANCE

- 8. "First Night" request for an additional \$15,000 in funding (Mayor 409-04)
Action: *Approved additional funding*

Mayor Albert gave a presentation and recommended that Council approve the additional funding. He opened the floor for public comment on the item. Ellen Martin, Executive Director of First Night, spoke in support of the additional funding. Sue Ann Hilyer, Outreach Director for First Night, spoke in support of the additional funding and displayed a preview of this year's adult and youth admittance buttons that designed by CSUMB students. Jenny Kay, CSUMB student and designer of the button, said that she was proud to work with the First Night organization and spoke in support of the additional funding. Ken Peterson, Monterey resident, said that he and his wife, Paulette Lynch, started the First Night event and spoke in support of the additional funding. Having no further requests to speak, Mayor Albert returned the discussion to the City Council.

Councilmember Downey asked First Night to work with the State to solve their patrol problem at CustomHouse Plaza.

On a motion by Councilmember Downey, seconded by Councilmember Della Sala, and carried by the following vote, the City Council approved \$15,000 in additional funding for First Night:

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

COUNCIL COMMENTS

Councilmember Della Sala said that he visited the lower Jack's Peak area with a Police Department patrol, and he witnessed fire hazards in the form of several homeless encampments. He said that the officers were kind and compassionate, but it is very important to get the property owners to clean up their property. He reported that he and Councilmember Roberson attended a very productive meeting with the Fairgrounds Subcommittee. Councilmember Della Sala spoke about the magic of the Bronco League World Series and having families participate in that event. He noted that Council has a letter from the Sister City Committee requesting to be a Sister City of Monterey and asked Council to agendize

On a motion by Councilmember Della Sala, seconded by Councilmember Downey, and carried by the following vote, the City Council agendized consideration of a sister city relationship with Trapani, Italy:

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

Councilmember Downey said that she too toured the lower Jack's Peak area, and agreed that the encampments have to be cleaned up. She reported that she attended a MST Board Leadership conference in Canada, and that was the reason she was unable to attend the last study session. She stated that MST is starting three busses per day to San Jose from the Peninsula. Councilmember Downey stated that she spoke for the City of Monterey at the Fish and Game meeting. She said that she met with MPUSD last night.

Councilmember Haferman commented on a memo from the City's Senior Planners that reviewed the work programs that Planning is currently addressing, saying that they are doing a great deal of work. He complimented the City staff.

Mayor Albert said that the City has had an ongoing relationship with Dubrovnik Croatia and the relationship has grown. He asked to agendize a sister city relationship with Dubrovnik at the next meeting, and Councilmembers agreed. He cautioned about establishing too many of these relationships, recognizing that they take additional staff time and that the relationship with Nanao is a good model for how to do it. He reported that a group of Japanese Junior High School students would visit and home-stay with Colton School students. The Mayor said that the State Theater has great things happening, such as the current "Fiddler on the Roof" production, and he asked the community to support them.

CITY MANAGER REPORTS

City Manager Meurer reported that construction on the Cannery Row Hotel would start on Thursday. He said that the report has been received on the English Avenue apartments, and there is no imminent danger that would require people to move. He said that the City will investigate which programs can be used to assist in paying for the repairs.

City Manager Meurer reported that Monterey received the design exception approval for the entrance to CHOMP, and will begin working with TAMC on the design. He reported on recent correspondence regarding Army water at Fort Ord. He said that the City Attorney and City Engineer testified at an ASBS meeting today. He stated that the State is still struggling to define the matter, and the City is positioning itself to be able to at least be able apply for State reimbursement. He noted that National Resources Defense Council, Friends of the Sea Otter, and other environmental groups have endorsed Monterey's stormwater management plan.

On a motion by Mayor Albert, seconded by Councilmember Della Sala, and carried by the following vote, the City Council agendaized consideration of a sister city relationship with Dubrovnik, Croatia:

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

Mayor Albert adjourned to closed session at 9:30 p.m.

9. Public Employee Annual Performance Evaluation – Pursuant to Government Code Section 54957 – Title: City Attorney (Council 501-02)
Action: Received and discussed report

10. Public Employee Annual Performance Evaluation – Pursuant to Government Code Section 54957 – Title: City Manager (Council 501-02)
Action: Received and discussed report

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 9:56 p.m.

Respectfully Submitted,

Approved,

Bonnie L. Gawf, City Clerk

Dan Albert, Mayor