

**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF MONTEREY**  
**TUESDAY, October 17, 2007**  
**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, Assistant City Manager, Assistant City Clerk, Community Development Director, Finance Director, Fire Chief, Police Chief, Director of Plans, Engineering & Environmental Compliance. Director Public Facilities, Assistant Library Director

**PRESENTATIONS**

Mayor Albert presented Assistant City Manager Cohn with a plaque awarded to the City of Monterey and specifically to Fred Cohn by 3CMA, the City-County Communications and Marketing Association, for the City's use of the media and other forms of communications in generating citizen participation in local government.

**CONSENT ITEMS**

On a motion by Councilmember Della Sala, seconded by Councilmember Haferman, and carried by the following vote, the City Council approved the Consent Agenda with Councilmember Della abstaining from C3:

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

**Approval of Minutes**

C1. October 3, 2006 (City Clerk 701-09)

**Action: Approved**

**Award of Contracts**

C2. Lyndon 800 Drainage Improvements - \*\*\*NIP\*\*\* (Public Works 808-02)

**Action: Adopted Resolutions No. 06-169 and 06-170**

**Ordinances**

C3. Second Reading - Establishment of a Tourism Business Improvement District to Provide Additional Non-City Resources for Tourism Marketing - (Finance 407-08)

**Action: Adopted Ordinance 3376 (4-1; Della Sala abstaining)**

- C4. Second Reading - 458 High Street - Planning Commission Recommendation to Rezone 458 High Street from R-1-6 to R-1-6-H-2; (Applicant/Property Owner- Geoff and Tammy Hunziker); (Exempt from CEQA Requirements) (Community Development 203-02)  
**Action: Adopted Ordinance 3377**
- C5. Second Reading - 599 Fremont Street - Planning Commission Recommendation to Rezone 599 Fremont Street from C-2 (Community Commercial) to C-2-H-1 (Community Commercial, City Historic Landmark Overlay); (Applicant/Property Owner- Jerry Janssen); (Exempt from CEQA Requirements) - (Community Development 203-02)  
**Action: Adopted Ordinance 3378**

## Resolutions

- C6. Resolution Authorizing the Transfer of Funds for Library Trust Fund for the Purchase of 3 Copiers (Library 406-04)  
**Action: Adopted Resolution No. 06-171**
- C7. Resolution to Amend the 2006-07 Position Control List Adding One Office Assistant II and One Parking Maintenance Worker Overfill Position at the Parking Division of the Public Facilities Department through June 30, 2007 (Public Facilities 502-03)  
**Action: Adopted Resolution No. 06-172**
- C8. Approving Replacement of Two 1/2-Ton Pick-up Trucks in Construction Management with one 1/2-Ton pick-up truck and One Ford Escape (Public Works 1001-02)  
**Action: Adopted Resolution No. 06-173**
- C9. Amending Position Allocation List to Add One Senior Administrative Analyst, One Accounting Assistant and One Parts Clerk (Public Works 502-03)  
**Action: Adopted Resolution No. 06-174**
- C10. Authorizing Negotiation of Easements for the Purpose of Constructing a Retaining Wall along Pacific Street near Bartolomea Way (Public Works 803-04)  
**Action: Adopted Resolution No. 06-175**
- C11. Authorizing Purchase of a 100-ft. Aerial Fire Apparatus (Fire 604-02)  
**Action: Adopted Resolution No. 06-176**
- C12. Approving Financial Participation in Development of a Wharf Beautification Plain with City Costs Not To Exceed \$3,000 (Community Development 203-02)  
**Action: Adopted Resolution No. 06-177**
- C13. Authorizing License Agreement for Cingular Wireless PCS Antenna on City-owned Land within the Ryan Ranch Corporation Yard at 23 Ryan Ranch Road (Community Development 107-03)  
**Action: Adopted Resolution No. 06-178**
- C14. Approving Method of Calculation of Sales Pricing for Inclusionary Housing Units (Community Development 207-03)  
**Action: Adopted Resolution No. 06-179**

## Other

C15. Deny the Claim of Gregory Hanlon (Finance 408-04)

**Action: Claim Denied**

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

## PUBLIC COMMENTS

Mayor Albert opened the floor to Public Comments on items not on the agenda. Barbara Bass Evans thanked Fred Cohn for his contributions to the City. Ms. Evans spoke out against Councilmember Della Sala as a mayoral candidate and spoke in favor of Mike Dawson.

Char Carter and Charles Carter asked the Council to change the City's current policy requiring residents pay all costs and fees for replacing lateral sewer lines under City streets when the lines need repair. Mrs. Carter noted citizens could pay between \$7,000 to \$20,000 and Mr. Carter felt 50% of this burden should be the City's responsibility. Mayor Albert stated that Council is not able to respond to this issue at this time based on the Brown Act, but that City staff would do follow up with them.

Carl Outzen reminded the Council and public of the farewell reception for Councilmember Clyde Roberson this Saturday, Oct 21<sup>st</sup> between 6:30 and 8:30 p.m. at the Monterey Sports Center.

Nelson Vega stated he was disappointed that Ms. Evans used the podium during Public Comments as a political forum and felt it was not the right venue for these statements. Seeing no further requests to speak, Mayor Albert closed Public Comments.

## PUBLIC HEARINGS

1. 426 Alvarado Street; Planning Commission Recommendation on Master Use Permit for Planned Unit Development, Variance, Parking Adjustment; Historic Zoning Designation; Vesting Tentative Map; Condominium Plan and Parking Adjustment Incentive to Allow Expansion of the Regency Theater Building and Conversion to Mixed-Use Including 11 Residential Units, Retail, Office and Restaurant Space; Applicant Eric Miller Architects; Owner David Nilsen; C-2 Zoning District - Resolution; (Negative Declaration Filed) (Community Development 203-06)  
**Action: Held Public Hearing; Passed to Print Historic Overlay Ordinance Rezoning From C-2 to C-2-H-2: Adopted Resolution No. 06-180, approving the Staff Recommendation with amendments to Condition of Approval No. 1 that the restaurant approval does not permit a separate bar as defined in Section 38-12 M.5 of the Zoning Ordinance and Condition No. 11 that in accordance to the Downtown Parking Incentive Program ten (10) of the required Parking Adjustment spaces in-lieu fees will be paid from Redevelopment Funds for a five-year period starting from the date of occupancy and at the end of the five-year period the 10 Parking Adjustment space in-lieu fees shall be paid by the property owner as required in the Parking Fee Adjustment Agreement**

Senior Planner Marvin presented the staff report describing the project as one designed specifically to fit this historic property in Downtown. Mr. Marvin described the differences between parking adjustments and parking incentives and staff's methodology in deriving its parking recommendations. Mr. Marvin indicated the applicant has conducted a water survey and

feels confident the project will not need additional water credits, but that the Water Management District has yet to approve water credits for this project. Councilmember Roberson asked whether conditions could be included in the approvals of this project to prevent a bar at this location in the future.

Mayor Albert opened the floor to the applicant. Architect Eric Miller stated his primary goal was to restore and preserve the historic Alvarado Street façade while introducing new development inside the building and on the Calle Principal façade. Project Manager Schellenberg discussed the issues of a bar at this location and water credits, and debated the requirement for parking permits for residents. Owner Dave Nilsen stated he wanted a project that was acceptable to the City of Monterey and one that will be an asset to the City adding that he does not want to have a bar at this location now or in the future.

Mayor Albert opened the floor to public comment. Anthony Davi, Sr. spoke in favor of the project saying it is a great change for this property and hopes it will encourage other property owners to follow Mr. Nielson's lead. Seeing no further requests to speak, Mayor Albert closed public comment on this item.

On a motion by Mayor Albert, seconded by Councilmember Downey, and carried by the following vote, the City Council approved staff recommendations including amendments to Conditions No. 1 and 11 that prevent a bar at this location and sets terms for paying the 10 Parking Adjustment space in-lieu fees respectively:

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

## **COUNCIL COMMENTS**

Councilmember Della Sala encouraged interested citizens to support the restoration project of the 1794 Royal Presidio Chapel as well as the Community Partnership for Youth.

Councilmember Downey described a youth racing event held Saturday and the success of History Fest 2006 praising Jim Conway's Lower Presidio historic talk, Friend's of the Library Historic Homes Tour and the work of the State Parks. Councilmember Downey encouraged citizens to visit the USS Macon tour at Big Sur and noted that the Monterey Bay National Marine Sanctuary christened today the Fulmar, a new research vessel. She thanked staff's work on the Inclusionary Housing plan and requested an update on the Skyline Condominium development. In closing Councilmember Downey thanked Mr. Vega for speaking out against a citizen using our government broadcast as a political venue.

Councilmember Haferman applauded the Lower Presidio Park Trail Connection Bridge Project noting it provides a beautiful access to the Lower Presidio Museum. Councilmember Haferman asked for an update on the City's Traffic Committee and on Architectural Review Committee vacancies. Councilmember Haferman requested a Council retreat in January 2007 and that Downtown parking issues, specifically those experienced at the Osio, come back to the Council for discussion.

Councilmember Roberson complimented the Library on its fundraising tour of Historic Homes. Councilmember Roberson stated he was glad that Mr. Vega spoke out as well, emphasizing that negative campaigning should stop when it becomes ineffective.

Mayor Albert stated that negative campaigning rarely happens, but that under Public Comments, a person can speak on any topic as long as the topic is not on the agenda and has to do with business within the City.

### **CITY MANAGER REPORTS**

City Manager Meurer stated staff is considering a reduction in size of the Architectural Review Committee and that due to staffing constraints the Traffic Division is primarily focused on conducting studies and surveys in support of projects. Mr. Meurer stated many cities across California are reporting dire financial futures due to unfinanced liabilities and that those cities attribute much of this to granting retirees medical insurance. Mr. Meurer commented on an article about Pacific Grove's loans between funds process, stating that in Monterey we conduct these actions on the Council agenda in the form of transfer of fund resolutions. Mr Meurer recommended the Council cancel the October 25<sup>th</sup> Study Session and gave the Council an update on number of Police applicants, laterals, and the recent job fair.

Mayor Albert adjourned the meeting to a closed session at 8:55 p.m.

### **CLOSED SESSION**

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); and Unrepresented Employees: Deputy Police Chiefs (507-07)

***Action: Received report; Discussed; On a unanimous roll call vote, the City Council gave confidential direction to their negotiators***

### **ANNOUNCEMENTS FROM CLOSED SESSION**

Mayor Albert reconvened the meeting in open session at 9:05 p.m., where all Councilmembers were present. Assistant City Clerk Raynor made the announcements as noted above.

### **ADJOURNMENT**

There being no further business to come before the City Council, Mayor Albert adjourned the meeting at 9:05 p.m.

Respectfully Submitted,

Approved,

---

Catherine A. Raynor, Assistant City Clerk

---

Dan Albert, Mayor