

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MONTEREY
TUESDAY, January 2, 2007
4:00 – 5:30 and 7:00 – 11:00 P.M.
COUNCIL CHAMBER, FEW MEMORIAL HALL
MONTEREY, CALIFORNIA

CALL TO ORDER:

Mayor Della Sala called the meeting to order at 4:01 p.m., reminding that tonight begins a new temporary meeting format where the Council would conduct study session items during the afternoon session. He said that public comments on items not on the agenda would be taken only during the evening session.

Council Members

Present: Councilmembers: Downey, Haferman, Selfridge, Sollecito, Mayor Della Sala
Absent: None

City Staff:

Present: City Manager, City Attorney, City Clerk, Fire Chief, Police Chief, Plans, Engineering & Environmental Compliance Director, Community Services and Recreation Director, Human Resources Director, Public Facilities Director, Library Director, City Engineer, Harbormaster

PUBLIC APPEARANCE

1. Comments on Monterey Bay National Marine Sanctuary Management Plan and Environmental Impact Statement (Public Facilities 904-01)
Action: Received report; continued to evening session

City Manager Meurer introduced the item. Acting Superintendent of the Monterey Bay National Marine Sanctuary Dr. Holly Price gave a brief orientation to the sanctuary boundaries, and presented a summary of the Sanctuary Management Plan, paying particular attention to areas of concern identified by Monterey's staff. She reviewed a summary of the conclusions of the Draft Environmental Impact Statement and what is not regulated in the plan. Councilmember Downey asked if the Sanctuary would be willing to put into the document that the Sanctuary would not regulate fishing. Dr. Price said that would be very difficult for NOAA to do, but the preference is to work with the Federal and State fishing authority. Councilmember Downey plead that another layer of regulation not be added to the State and Federal regulating agencies. Dr. Price reviewed the next steps to finalize the plan. On question, she clarified that there are no proposed regulations for Marine Protected Areas at Point Sur.

Harbormaster Scheiblaue acknowledged the Sanctuary's accomplishments. He reviewed the 2001 City of Monterey recommendations that the original consensus building agreements should be revisited and respected. He noted that the Sanctuary Advisory Committee remains an issue, and he recommended changes to the SAC Charter. City Manager Meurer clarified that the idea is to regulate only behaviors that cause a demonstrated, verified problem, rather than behaviors that have the potential to cause a problem. Mr. Scheiblaue said that the National Marine Sanctuary Act is very broad, so applying it to specific issues requires judgement and balance. He reviewed the recommendation that the Sanctuary not regulate harbors and dredging, noting it was a promise made to the harbors in 1992.

Harbormaster Scheiblaue reviewed specific comments on the Sanctuary Management Plan. He noted that the detailed comments included in the Council packet are to be attached to the letter.

Mr. Scheiblauber explained that most of the concerns are governance issues rather than environmental issues. On question, he clarified that there is no documented harm to sea life from personal watercraft.

Mayor Della Sala suggested continuing the matter to the evening session, after the consent agenda. He called a recess at 5:32 p.m., then reconvened the meeting at 7:00 p.m., where all Councilmembers were present.

Mayor Della Sala requested a moment of silence in honor for Former President Gerald Ford.

CONSENT ITEMS

City Manager Meurer made clarifications regarding Items C8, C9 and C11. Councilmember Downey clarified that the appointment to the ARC on Item C10 is Paul E. Davis, and she thanked all of the appointees. She asked to remove Item C13 for discussion.

On a motion by Councilmember Haferman seconded by Councilmember Downey, and carried by the following vote, the City Council approved the Consent Agenda, except Item C13, which was removed for discussion, with Mayor Della Sala abstaining from voting on items C9 and C11 due to a potential conflict of interest because he owns nearby properties:

AYES:	5	COUNCILMEMBERS:	Downey, Haferman, Selfridge, Sollecito, Della Sala
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None

Items C9 and C11 carried by the following vote:

AYES:	4	COUNCILMEMBERS:	Downey, Haferman, Selfridge, Sollecito
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	1	COUNCILMEMBERS:	Della Sala

Approval of Minutes

- C1. December 5, 2006 (City Clerk 701-09)
Action: Approved

Ordinances

- C2. Second Reading - Amending City Code Sections 36-25 and 36-29 -- Revision to Taxicab Permit Application Process (Police 607-10)
Action: Adopted Ordinance No. 3381
- C3. Second Reading - Authorizing and Extension of Term for the Ground Lease for the El Estero Senior Housing Apartments at 151 Park Avenue, Between Chispita, Inc. and the City of Monterey to Allow Refinancing of the HUD Section 202 Loan on the Project (Community Development 206-03)
Action: Adopted Ordinance No. 3382

Resolutions

- C4. Withdrawal of Cut-Off FY07 Project: Lighthouse Avenue Bus Pads***NIP*** (Public Works 808-02)
Action: Adopted Resolution No. 07-01

- C5. A Resolution Authorizing the Deappropriation of NIP Funds for El Estero Park Building Improvements and the Appropriation of Additional NIP Funds for Dennis the Menace Roller Slide (Public Works 406-04)
Action: Adopted Resolution No. 07-02
- C6. Amending Resolution 06-193 Appropriation of Additional Funding for the Presidio of Monterey Public Works Authority Fund (Public Works 406-04)
Action: Adopted Resolution No. 07-03
- C7. Authorizing the City Manager on Behalf of the City to enter into a Memorandum of Understanding with the City of Salinas for Police Department Participation in the "Avoid the Eighteen DUI Campaign - Monterey County" (Police 607-09)
Action: Adopted Resolution No. 07-04
- C8. Approving Three Additional Police Officer Overfill Positions (Police 502-03)
Action: Adopted Resolution No. 07-05
- C9. Authorizing Appropriation of Funds and Terms for Acquisition of 735 Pacific Street (APN 001-591-007-000) (Community Development 206-03)
Action: Adopted Resolution No. 07-06 (4-0-1, Della Sala abstaining due to a potential conflict of interest)

Other

- C10. Recommendations for Appointments to the Architectural Review Committee, Colton Hall Museum/Cultural Arts Committee, Historic Preservation Committee, and Parks and Recreation Commission (Council Subcommittee 701-06)
Action: Appointed Paul E. Davis to the ARC for a term expiring 6/30/07; reappointed Elizabeth Schneider and Susan Theodore for terms expiring 12/31/08 to the CHM/CAC; reappointed John Castagna, Maria Lucida and Jean O'Brien for terms expiring 12/31/08 to the HPC; and reappointed Debra Laughton, Mike Marotta, Dennis McCarthy, Suzanne, Menedez-Herbst and Susan Woodward for terms expiring 12/31/08 to the Parks and Recreation Commission
- C11. Approving Rent Reduction For A Limited Period Of Time For Valero Service Station at 595 Munras (Community Development 206-03)
Action: Approved (4-0-1, Della Sala abstaining due to a potential conflict of interest)
- C12. Approving Old Monterey Business Association 2007 Schedule of Downtown Events and Use of City Properties (Recreation 307-04)
Action: Approved
- C13. Approval of Revisions to the Neighborhood Improvement Program Policies and Procedures Manual (Public Works 808-01)
Action: Removed from Consent; discussed; approved

On question, City Manager Meurer clarified the NIP process for selecting and funding projects.

It was moved by Mayor Della Sala, seconded by Councilmember Downey, and carried by the following vote to approve the recommended revisions to the NIP Policies and Procedures:

AYES:	5	COUNCILMEMBERS: Downey, Haferman, Selfridge, Sollecito, Della Sala
NOES:	0	COUNCILMEMBERS: None
ABSENT:	0	COUNCILMEMBERS: None

End of Consent Agenda

CONTINUED PUBLIC APPEARANCE

1. Comments on Monterey Bay National Marine Sanctuary Management Plan and Environmental Impact Statement (Public Facilities 904-01)
Action: Received public comments; discussed; approved staff recommendation authorizing Mayor to sign letter with comments

Mayor Della Sala opened public comment on the item. Mr. Pennisi, commercial fisherman, said that he does not support the Sanctuary regulating the fishing industry, because the Federal and State governments already regulate fishing, which is being pressured out of existence. Lorna Moffett said she hopes the Sanctuary includes a ban on Naval sonar and pesticides such as "Roundup." She said that she supports a timetable for painting boats with non-toxic paint, speed limits for personal watercraft, no fishing areas, and a strong oil spill program.

Cathy Fosmark, Co-Chair of the Alliance of Communities for Sustainable Fisheries, said that there are many good things in the Sanctuary Management Plan. She spoke in support of the staff recommendation regarding the comments on the Plan. She asked Council to note how the Sanctuary is willing to eliminate an entire group of water users—personal watercraft—without any scientific evidence. Mike Ricketts, commercial fisherman and Alliance board member, said that the fishermen need the Council's support to stay in business. He spoke in support of the staff recommendation.

John Donnelson said that the Sanctuary Management Plan is extremely comprehensive and has a lot of good in it. He said that the personal watercraft management plan is not based on science and goes to extremes, because there is no data on the type of craft that are being used or demographic data on the users. He recommended that the City Council not endorse the personal watercraft portion of the plan. Brian Barry, Personal Watercraft Industry Association, said that his association fully supports protection of the ocean. He said that the personal watercraft plan is filled with errors and would ban personal watercraft without any scientific studies or evidence that they cause harm to the environment. He noted that PWCs are used to rescue marine mammals.

Richard Bailey, California resident, said that there are five branches of government: legislative, executive, judicial, the people, and individuals. He said that the Marine Sanctuary is too narrowly focused and should take a broader approach. He suggested opening up the government at all levels. Tim Marisetch, commercial fisherman, thanked the City Council and the Harbormaster for the effort in the MPAs. He agreed with the previous fisherman who spoke. Mr. Naevoloso, commercial fisherman, thanked Council for their support. He said that the Sanctuary wants more regulations. Seeing no further requests to speak Mayor Della Sala closed public comment.

Councilmember Downey said that she is the AMBAG representative, and that organization approved and supported all of the City of Monterey's recommendation. She said that when she talked to the Sanctuary Advisory Committee about the recommendation, she was told that she had the same input as any other individual, which she questioned given the AMBAG support. She stressed that we love the ocean and want to protect it while using common sense, and another level of bureaucracy is not needed. She said that the Sanctuary is a wonderful thing, and she supported the staff recommendations wholeheartedly.

It was moved by Councilmember Downey, and seconded by Councilmember Sollecito, to approve the staff recommendation to adopt the comments and authorize the Mayor to sign the letter:

Mayor Della Sala said that the Sanctuary has heightened sensitivity to the Monterey Bay as a wonderful natural resource and has done a lot of good for the entire nation. He encouraged the Sanctuary to remain in its current role, and confirmed the need to work with the established

agencies regarding regulations. Councilmember Selfridge agreed that the Bay needs to be carefully managed and the Sanctuary has done tremendous work. She said she would like to see more of a compromise with the fishermen.

Councilmember Haferman received clarification that the motion includes authorization for the Mayor to sign a letter with comments on the Sanctuary Management Plan Environmental Impact Statement. He agreed that overall the Sanctuary is a great thing, and this process is to give comments. Councilmember Sollecito agreed that the Sanctuary is doing a good job, and there are enough laws and regulations. He said that laws should not be enacted without a need, each agency's jurisdiction should be preserved, and the fishing industry should be supported.

The motion carried by the following vote.

AYES:	5	COUNCILMEMBERS:	Downey, Haferman, Selfridge, Sollecito, Della Sala
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None

On question, City Manager Meurer gave a history of a concern about how the SAC members are chosen. He suggested that there will be a new Sanctuary superintendent in the near future and that perhaps a meeting could be held to help him or her understand and address this issue.

PUBLIC COMMENTS

Mayor Della Sala opened the floor for Public Comments on items not on the agenda. Joe Aiello, business owner on Alvarado Street, voiced concerns about bicycle riders on the sidewalks, especially downtown, suggesting placement of international signage and restoration of downtown foot officers and bike patrol. City Manager Meurer said that the speaker's observations are right on target, and as police department staffing is brought up to full force, those special patrols will be reinstated.

Lorna Moffett said that she rides her bike for the environment, the streets are unsafe, and she takes advantage of the sidewalk. She asked Council to address the continued use of the herbicide "Roundup" by curtailing its use.

Barbara Bass Evans asked questions about how things are agendaized for the Council meeting, saying that it is disturbing that a Council majority must vote to place an item on the agenda. She asked if this policy flies in the face of freedom of speech. City Manager Meurer explained that the rationale behind this existing Council policy is that anything placed on the agenda anticipates that staff support is required to prepare an analysis. Since the City does not have infinite resources, a majority vote of the Council is needed to place an item on the agenda. Seeing no further requests to speak Mayor Della Sala closed public comment.

OTHER BUSINESS

2. Appointments to Outside Agencies (City Clerk 701-04)
Action: Discussed; appointments made as recommended

Mayor Della Sala gave a brief background on this item.

On a motion by Councilmember Downey, seconded by Councilmember Sollecito and carried by the following vote, the City Council approved the appointments as recommended:

AYES:	5	COUNCILMEMBERS:	Downey, Haferman, Selfridge, Sollecito, Della Sala
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None

3. Policy Direction Regarding Interim City Office Space Solutions (City Manager 905-03)
Action: Directed that the structure at 735 Pacific Street be used for City offices for an expected three to five year term and that the existing modular office building along Madison Street be removed (4-0-1, Della Sala not participating due to a potential conflict of interest)

Mayor Della Sala recused himself due to a potential conflict of interest, turning over the gavel to Vice Mayor Haferman.

City Manager Meurer gave the staff presentation. Plans Engineering and Environmental Planning Director Reichmuth showed examples of the structural and other damage to the existing modular building that formally housed Personnel, Finance and City Attorney departments. City Manager Meurer reviewed some of the available options available, including an economic analysis for each. He recommended temporarily using 735 Pacific Street as administrative space for 3-5 years until it can be converted to affordable housing.

Vice Mayor Haferman opened public comment. Joseph Aiello said that he is sorry to hear about the leakage in the modular building. He asked if the old houses behind City Hall are currently being used, and staff clarified that they are. He said he does not like to see modular buildings placed around the civic center but he does not believe the City should purchase 735 Pacific Street or rent expensive space at Heritage Harbor. He suggested using additional modulares, even if some of the small buildings need to be demolished. Seeing no further requests to speak Vice Mayor Haferman closed public comment.

City Manager Meurer reviewed the economic analysis, saying that modulares would cost more than rehabilitation of 735 Pacific for temporary use as office space.

It was moved by Councilmember Sollecito, and seconded by Councilmember Downey, to approve the staff recommendation to use 735 Pacific Street for City offices for a 3-5 year term and remove the existing modular office building along Madison Street.

Councilmember Downey said that 735 Pacific Street would be a wonderful location for low cost housing and good temporary space for offices. Vice Mayor Haferman fully supported the motion, saying that this is a win-win situation. He asked that Council be kept informed regarding the issues, transfers and retention of the water credits. He asked staff to keep Council posted on any developments with Monterey College of Law and Infinity dealership.

The motion carried by the following vote:

AYES:	4	COUNCILMEMBERS: Downey, Haferman, Selfridge, Sollecito
NOES:	0	COUNCILMEMBERS: None
ABSENT:	0	COUNCILMEMBERS: None
ABSTAIN:	1	COUNCILMEMBERS: Della Sala

4. Briefing Regarding City's Business Process Transformation Efforts (City Manager 101-08)
Action: Received and discussed report

City Manager Meurer introduced the item, and City Clerk Gawf presented the staff report. Councilmembers discussed the importance of the transformation efforts.

COUNCIL COMMENTS

5. Request to Agendize Consideration of a Moratorium on Condominium Conversions within the City of Monterey (Councilmember Downey 203-02)
Action: Agendized (3-2, Sollecito, Della Sala voting no)

Councilmember Downey asked Council to agendaize a discussion of a possible moratorium on condominium conversions. She voiced concerns that the conversions are hurting the rental market and that out of town residents would purchase the majority of these units. Assistant City Attorney Davi gave a brief summary of what is required to declare a moratorium.

Mayor Della Sala said that he would like to table this matter for a few months given the current volume of work. City Manager Meurer explained that moratorium findings present a high hurdle. City Attorney Mall agreed that the issue is whether findings can be made to justify a moratorium.

On a motion by Councilmember Downey, seconded by Councilmember Selfridge, and carried by the following vote, the City Council agendaized a consideration of a moratorium on condominium conversions within the City of Monterey:

AYES:	3	COUNCILMEMBERS: Downey, Haferman, Selfridge
NOES:	2	COUNCILMEMBERS: Sollecito, Della Sala
ABSENT:	0	COUNCILMEMBERS: None

6. Request to Agendaize Initiation of Civic Center Master Plan Effort (Councilmember Downey 201-12)

Action: No action taken, pending an already scheduled Study Session on the topic

After discussion, Councilmember Downey said that the scheduled March 28th study session would be satisfactory, and Councilmembers agreed.

Councilmember Haferman wished everyone Happy New Year. He suggested that the Train Depot or perhaps vacancies on Wharf II might be an appropriate location for a Sanctuary Visitors' Center. City Manager Meurer said that he would discuss the matter with the new Superintendent and congressional representatives. Councilmember Haferman said that he has heard criticism of the Council policy regarding how matters are agendaized.

Councilmember Selfridge said that Council should consider how members of the public could get items on the agenda. She noted that the Cultural Arts Commission has a vacancy, and she urged people to apply by January 12th.

Mayor Della Sala summarized his recent address to the Old Monterey Business Association. He reported that some of the items he included were that the Monterey Hotel addition will have eighteen new units for moderate income families, the state is working to make the Custom House Plaza more inviting, and the State Theater is creating a nonprofit entity to assist with refurbishing the building.

CITY MANAGER REPORTS

City Manager Meurer reported that there was a hazardous materials spill on Ramona Avenue near Del Monte on New Year's Eve, and crews continue to work on the clean up. He said that Sparky, the wandering Barge, was returned to its moorings during high tide on New Year's Eve with the help the Pennisi's fishing boat. Mr. Meurer reported that First Night was successful.

Council adjourned to a closed session at 10:00 p.m.

