

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MONTEREY
TUESDAY, February 6, 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 4:00 p.m.

Council Members

Present: Councilmembers Downey, Haferman, Selfridge, Sollecito, Mayor Della Sala

Absent: None

City Staff:

Present: Assistant City Manager, City Attorney, Assistant City Clerk, Fire Chief, Deputy Public Work Director, Human Resources Director, Finance Director, Recreation and Community Services Director

PRESENTATIONS

§ Presentation Recognizing the Streets Division, Engineering and Fire Department Personnel for Their Work to Clean Up an Oil Spill (Public Works 701-17)

Action: Recognition given

Deputy Public Works Director Stafford presented the staff report and introduced City personnel to be recognized. The Council thanked staff for their quick and timely response to the hazardous materials spill.

PUBLIC COMMENTS

Mayor Della Sala opened the floor for public comments on items not on the agenda and having no requests to speak, he closed comments.

STUDY SESSION

1. Refuse collection, Recycling and Franchise issues:
 - Automated collection vehicles
 - Potential Future Rate increases
 - Battery Recycling
 - Multi-Family / Commercial Containers
 - Discount for Annual Payment
 - Pay for bag (Extra trash)
 - Construction and Demolition Ordinance (Public Works 802-07)

Action: Report received and discussed

Deputy Public Works Director Uslar and Recycling Coordinator Milton presented the staff report. Mr. Uslar, Mr. Parola, owner of Monterey City Disposal, and Mr. Merry, Manager of Monterey Regional Waste Management District, discussed State, Federal and labor laws that impact the refuse collection and recycling process and in turn impact associated fees. Ms. Milton described

the potential changes to multi-family refuse collection methods and the success of the City's battery recycling program. Councilmember Downey requested MRWMD and the City look at developing a florescent light recycling program and Mayor Della Sala suggested a pilot program for car battery recycling be developed.

Mr. Parola discussed issues that impact disposal fees, notably a 2007 Federal mandate on emission control requiring clean air compliant diesel trucks, as well as an increase in tipping fees at MRWMD. Mr. Parola described impacts the new trucks will have on residential curb service.

Mr. Uslar noted that the State may increase waste diversion percentage standards from 50% to 75%, noting that the City is currently at 68%. Mr. Uslar recommended one way to increase the City's number is to develop a construction demolition ordinance. Mr. Uslar described how such an ordinance could require how and when building materials should be harvested from construction projects within Monterey, noting the City may use demolition of 570 Munras as a pilot program to determine if construction demolition waste diversion would be feasible.

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

CONSENT ITEMS

On a motion by Councilmember Haferman, seconded by Councilmember Downey, and carried by the following vote, the City Council approved the Consent Agenda, excluding Items C3, C7, C9, C12 and C14 which were removed for discussion, with Councilmember Haferman abstaining from C2 and Mayor Della Sala abstaining from C12 and minor changes to C1 minutes:

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

Approval of Minutes

- C1. January 16, 2007 (City Clerk 701-09)
Action: Removed from Consent; Amended; Approved
- C2. January 24, 2007 (City Clerk 701-09)
Action: Approved (4-1; Haferman abstaining)

Award of Contracts

- C3. Marina Fire Water System Replacement Project (Public Works 807-02)
Action: Removed from Consent; Discussed; Adopted Resolution No. 07-015

City Engineer Reeves presented the staff report explaining how the new design overcomes problems resulting from expansion of the system under use that are inherent in the current system. Mayor Della Sala opened the floor for public comment and seeing no requests to speak closed comments. Councilmember Selfridge moved and Councilmember Haferman seconded the motion that required any cost overages in the project be brought back to the Council for approval. After clarification by staff, the motion was withdrawn.

On a motion by Councilmember Selfridge, seconded by Councilmember Haferman, and carried by the following vote, the City Council approved the staff recommendation adopting Resolution No. 07-015:

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

- C4. Lighthouse / McClellan Traffic Signal (Public Works 807-02)
Action: Adopted Resolution No. 07-016

Ordinances

- C5. First Reading - Digging and Excavation on the former Fort Ord (Public Works 706-04)
Action: Passed Ordinance to Print
- C6. First Reading - Amend the Personnel Ordinance § 25-7.08 Notification of Examination Results to Permit the Release of POST Written Test Scores to Police Officer Candidates and to Change all References of Personnel Director to Human Resources Director throughout Chapter 25 (Human Resources 502-11)
Action: Passed Ordinance to Print

Resolutions

- C7. Authorizing Contract to Provide Limited Fire Protection Services to the Cities of Pacific Grove and Carmel-By-The-Sea (Fire 601-05)
Action: Removed from Consent; Discussed; Adopted Resolution No. 07-017

Assistant City Manager Cohn and Fire Chief Mazza presented the staff report. Mayor Della Sala opened the floor for public comment and seeing no requests to speak closed comments.

On a motion by Councilmember Downey, seconded by Councilmember Sollecito, and carried by the following vote, the City Council approved the staff recommendation adopting Resolution No. 07-017:

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

- C8. Amending Resolution 06-97 Amending the Position Control List to Authorize Extending One Automotive Mechanic Overfill Position in the Mechanical Division of the Public Works Department (Public Works - 502-03)
Action: Adopted Resolution No. 07-018
- C9. Approval of Agreement with Monterey "Stinging Jellies" Disc Golf Club at Don Dahvee Park, and Approval of Design Layout of Disc Golf Course Targets" (Public Works 809-08)
Action: Removed from Consent; Discussed; Adopted Resolution No. 07-019

Deputy Public Works Director Stafford presented the staff report, stressing the agreement includes language that allows the City to terminate the agreement if necessary. Mayor Della Sala opened the floor for public comment and seeing no requests to speak closed comments.

On a motion by Councilmember Downey, seconded by Councilmember Haferman, and carried by the following vote, the City Council approved the staff recommendation adopting Resolution No. 07-019:

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

C10. NIP-Funded Monument Repair Services (Library 808-02)

Action: Adopted Resolution No. 07-020

Other

C11. Review and Approval of City of Monterey Investment Policy (Finance 101-03)

Action: Approved

C12. Approving the Selection and Negotiation with Foothill Partners and Carl Outzen (entity to be formed) for New Ground Lease and Development Agreement for City-Owned Leasehold Parcel for a Mixed Use Residential-Retail Project at 595 Munras Avenue (APN 001-691-001) and Authorizing Closed Session Conference with City Real Estate Negotiators (Community Development 206-03)

Action: Removed from Consent; Discussed; Approved (4-1; Della Sala abstaining)

Mayor Della Sala stated he had a conflict with this item, asked Vice Mayor Haferman to conduct the Council during his absence, and left the Chamber. Senior Planner Cole presented the staff report describing how the proposal closely matches objectives approved by the Council for this Community Commercial District (C-2) zoned site and that design guidelines for this area are already in process.

Vice Mayor opened the floor for public comment on this item. Barbara Bass Evans spoke in opposition, asking the Council to wait until guidelines for this area of town have been developed, to look at rezoning the site for other purposes, and to require the appropriate amount of water credits be available for the site before approving any selection. Jesse Armstrong expressed concerns over hazardous waste cleanup on the site; later, Senior Planner Cole clarified that Exxon is required to conduct to cleanup. Kathy Anderson spoke in support and encouraged the Council to expedite the process to prevent blight. Michael Shouff spoke in favor of using this site as a Robert Louis Stevenson Museum based on its proximity to Stevenson House. Joseph Aiello spoke in favor and asked Council to increase capital improvement projects along Munras Avenue to improve infrastructure and sidewalk and lighting designs. Mr. Outzen described his proposal. Seeing no further requests to speak, Vice Mayor Haferman closed public comment on this item.

City Attorney Mall described the request for proposal (RFP), selection and negotiation process, noting that selection now and negotiations with this developer does not bind the City to the developer's proposal. Assistant City Manager Cohn clarified that a proposal is not a design document available for critique, but that the public will have many opportunities for public comment during design reviews when heard by City boards, commissions, and Council.

On a motion by Councilmember Sollecito, seconded by Councilmember Haferman, and carried by the following vote, the City Council approved the staff recommendation:

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

At 7:55 p.m. Mayor Della Sala returned to the Chamber after the vote on C12.

C13. Approving the Initiation of Reconnaissance Historic Surveys for the Oak Grove and Upper Old Town neighborhoods (Community Development 201-15)

Action: Approved

C14. Parks and Recreation Commission Recommendation to City Council to Approve 4th of July Parade Rules & Regulations, Parade Application, and 4th of July Lawn Party Vendor Rules & Regulations (Recreation 302-05)

Action: Removed from Consent for discussion; Agendized pending litigation closed session discussion February 20, 2007

Assistant City Manager Cohn introduced the item stating the staff recommendation would be a formalization of rules and regulations City staff has used for many years. Recreation and Community Services Director Russo presented the staff report, stressing that historically the intent of the 4th of July parade and lawn party festivities was as a family celebration with an emphasis on children and that ideally the parade would last no longer than 1 hour. Director Russo stated staff compared and found that City procedures are similar with those found in other cities and that the Parks and Recreation Commission has reviewed and approved these policies. City Attorney Mall discussed a ruling on the limited public forum exception, which may support banning political groups from the parade.

Mayor Della Sala opened the floor for public comment. Loretta Davi, Lorna Moffet, and Ed Leeper spoke in opposition to excluding political groups from the parade. Seeing no further requests to speak Mayor Della Sala closed public comment.

On a motion by Councilmember Downey, seconded by Councilmember Sollecito, and carried by the following vote, the Council agendized a closed session discussion on this topic February 20, 2007:

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

Adjourn to Ocean View Community Services District Meeting

Assistant City Manager Cohn noted that a member of the public has requested these items be pulled for discussion. Councilmember Selfridge stated she has not had sufficient time to study the material and would like to continue this for further study. Mayor Della Sala opened the floor for public comment. Mrs. Evans stated operating a CSD is a risky and unnecessary business for

the City. Lorna Moffet spoke against the project. Seeing no further requests to speak Mayor Della Sala closed public comments.

On a motion by Boardmember Selfridge, seconded by Boardmember Haferman, and carried by the following vote, the Ocean View Community Services District continued OV1, OV2, OV3, OV4, and OV5 to the February 20, 2007 Meeting:

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

OV1. Informational Report Regarding the Ocean View Plaza Community Services District (CSD) (City Attorney 701-07)

Action: Removed from Consent; Continued to February 20, 2007 meeting

OV2. A Resolution of the Board of Directors of the Ocean View Community Services District Regarding Director Compensation and Reimbursement (City Attorney 701-15)

Action: Removed from Consent; Continued to February 20, 2007 meeting

OV3. A Resolution of the Board of Directors of the Ocean View Community Services District Designating an Alternative Depository and Appointing a District Treasurer (City Attorney 701-15)

Action: Removed from Consent; Continued to February 20, 2007 meeting

OV4. A Resolution of the Board of Directors of the Ocean View Community Services District Establishing its Provisional Appropriations Limits for Fiscal Year 2006-2007 (City Attorney 406-04)

Action: Removed from Consent; Continued to February 20, 2007 meeting

OV5. A Resolution of the Board of Directors of the Ocean View Community Services District Adopting Rules of Conduct, Policies for the Operation of the District, Policies and Procedures Governing the Purchasing of Supplies and Equipment, Records Retention Policy, CEQA Guidelines and Reserve Management Policy (City Attorney 701-15)

Action: Removed from Consent; Continued to February 20, 2007 meeting

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

Mayor Della Sala called a short recess at 8:25 p.m., then reconvened the meeting at 8:30 p.m.

Adjourn to City Council Meeting

PUBLIC COMMENTS

Mayor Della Sala opened the floor for Public Comments on items not on the agenda. Demetrios Castros asked the Council to increase medical services provided by the Monterey Fire Department personnel. Michael Shouff requested Council agendize a discussion on property issues at 2300 Prescott Avenue. Lorna Moffett requested the Council ban the use of Roundup pesticide on City property and Jesse Armstrong, Bob Oliver, Janet Linehan, and Luis Osorio spoke in support of a Roundup ban. Bill Barrett asked the Council to consider modifying down-payment assistance programs and other incentives so that more families can qualify for these programs. Rhett Allen Smith, designer and builder of the 774 Wave Street property, invited

Council to visit the property. Joseph Aiello expressed concerns over the long power outage Saturday. Seeing no further requests to speak Mayor Della Sala closed public comment.

PUBLIC HEARING

- 2. Appeal of Hearing Officer Decision Regarding Revocation of Massage License of VIP Massage Establishment (City Attorney 607-09)
Action: Upheld Administrative Hearing Officer Decision; Revoked license

Assistant City Attorney Davi presented the staff report noting the licensee has multiple undisputed violations of the municipal code as indicated in the administrative record. Mr. Landreth represented the licensee and requested the Council suspend the license instead of revocation. Mayor Della Sala opened public comment. Barbara Ball Trask, a masseuse and owner of the Monterey Institute of Touch, Mr. Eli Mundo, and another unidentified speaker spoke in favor of revoking the license. Seeing no further requests to speak Mayor Della Sala closed public comment.

On a motion by Councilmember Haferman, seconded by Councilmember Downey, and carried by the following vote, the City Council upheld the decision of the Administrative Hearing Officer and revoked the license based on the hearing officer's findings:

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

Mayor Della Sala called a short recess at 9:25 p.m., then reconvened the meeting at 9:37 p.m.

- 3. An Urgency Ordinance of the City Council Of The City Of Monterey Adopting a Moratorium on the Conversion of Rental Housing to Condominiums (Community Development 203-06)
Action: Amended and Adopted Ordinance 3383 C.S.; Excluded projects at 825 Casanova Avenue, 207 Dunecrest Avenue, and 57 Soledad Drive from moratorium

City Attorney Mall introduced this topic, stating an urgency ordinance requires a minimum of 4 votes and Council must have findings of impacts to health and safety to support the decision. Senior Planner Marvin described conflicting policies within the code and General Plan. Mr. Marvin stated the 45-day moratorium would be used to find the proper balance between these and look at issues such as parking, incentives, inclusionary housing, impact fees, and how the loss of rental units may impact the amount of available rental housing within the City. Mr. Marvin identified which condominium conversion applications would be impacted by the moratorium and which projects would not, emphasizing that during the moratorium City staff would not accept any new condominium conversion applications.

Mayor Della Sala opened public comment on this item. Alan Robinson, architect for the 825 Casanova Avenue project, and Derinda Messenger from Lombardo & Gilles spoke against the moratorium and requested the project be excluded from the moratorium. Matt Lowe, Jeff Hoffman, Grant Sedwidge and Richard Ruccello representing the neighborhood association spoke in support of excluding this project from the proposed moratorium.

Christine Kemp representing the 207 Dunecrest Avenue project asked the Council to either exclude this project from the moratorium or not approve the moratorium.

Henry Ruhnke, architect for the 57 Soledad project, spoke against the moratorium. Anthony Palma, part owner of the property, Nick Aliotti, and Adam Murray asked the Council to exclude this property from the moratorium.

Bob Chorney provides education classes for first time buyers and supports the moratorium if it can improve opportunities for buyers. Ron McGrainer spoke in support of condominium conversions. Kathy Anderson urged the Council include in the moratorium only applications submitted after tonight's decision. Richard Warren spoke in favor of excluding projects already submitted to the City. Marsha Hardy stated that if a moratorium on condominium conversions means higher quality, then that is good. Joseph Aiello spoke against a moratorium.

Sheryl McKenzie from Monterey County Association of Realtors stated she could support a moratorium if it could be limited to 45 days with no extension. She asked the Council not to delay submitted projects if the moratorium is extended. Ms. McKenzie volunteered to work with staff to improve current policies. Seeing no further requests to speak Mayor Della Sala closed public comments.

Mayor Della Sala moved, seconded by Councilmember Downey, that Council adopt staff recommendation to adopt an urgency ordinance establishing a moratorium on condominium conversions and excluded projects at 825 Casanova, 57 Soledad, and 207 Dunecrest from the moratorium and amended draft ordinance as recommended by the City Attorney to express this exclusion in the ordinance.

Councilmembers Downey and Selfridge thanked applicants and staff for the efforts

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

COUNCIL COMMENTS

Councilmember Selfridge requested staff place on the February 20, 2007 agenda under Council Comments an item to consider whether to agendize at a subsequent meeting a discussion on Roundup. Councilmember Selfridge congratulated the Streets Division for its 3 1/2 years accident free and encouraged the public to go to My Museum.

Councilmember Sollecito acknowledged awards given to City staff by TAMC, recognizing Phil Penko, Andrea Renny, Rich Deal and the Highway 68 project.

Councilmembers Downey, Selfridge, and Sollecito expressed concerns over the placement of study session topics on regular meeting afternoon agendas.

Councilmember Haferman requested staff place on the February 20, 2007 agenda under Council Comments an item to consider whether to agendize at a subsequent meeting a discussion on Mr. Shouff's property issues at 2300 Prescott Avenue. Councilmember Haferman requested staff add to the proposed study session list of topics a presentation by the League of Women Voters on Campaign Finance Reform. Mayor Della Sala adjourned the meeting to a closed session at 11:16 p.m.

CLOSED SESSION

4. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6 – Agency Negotiators: Bailey, Mazza, Rhoads, McCarthy, Larsen, Aldridge – Employee Organization: Monterey Fire Fighters Association MFFA (Human Resources 507-04)
Action: On a unanimous roll call vote, the City Council gave confidential direction to their negotiators
5. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6 – Agency Negotiators: Bailey, Mazza, Rhoads, McCarthy – Employee Organization: Fire Management Association (Human Resources 507-05)
Action: On a unanimous roll call vote, the City Council gave confidential direction to their negotiators

ANNOUNCEMENTS FROM CLOSED SESSION

Assistant City Clerk Raynor made the announcements as noted above.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Della Sala adjourned the meeting at 11:37 p.m.

Respectfully Submitted,

Approved,

Catherine A. Raynor, Assistant City Clerk

Chuck Della Sala, Mayor