

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MONTEREY
TUESDAY, May 1, 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 Haferman, Selfridge, Sollecito, Mayor Della Sala
Absent: Councilmember Downey

City Staff:

Present: City Manager, City Attorney, Assistant City Manager, Director of Plans, Engineering & Environmental Compliance, Finance Director, Fire Chief, Human Resources Director, Public Facilities Director, Recreation and Community Services Director, Human Resources Director, Library Director, Senior Assistant City Clerk

PRESENTATIONS

§P1. Tree City USA – 26 Years (Public Works 810-01)

Action: Presentation made

§P2. Monterey County Convention and Visitors Bureau (MCCVB) 2007 Marketing Efforts and Successes (Public Facilities 307-03)

Action: Presentation made

President and CEO of MCCVB John McMahon made the presentation. Christine Bettencourt spoke against promoting Monterey, stating she thinks Monterey has the potential to be a health risk for visitors and citizens because of the controlled burns at Fort Ord. City Manager Meurer provided clarification on the burns, noting the City has no control over the burns and that these concerns are best addressed to the U.S. and State legislature.

§P3. Recognition by United Way (Library 102-03)

Action: Recognition given

City Manager Meurer noted that the public requested items C3, C4, and C8 be pulled for discussion and items C11 and C12 require a separate vote by the Council as Mayor Della Sala has a conflict on those items.

CONSENT ITEMS

On a motion by Councilmember Haferman, seconded by Councilmember Sollecito, and carried by the following vote, the City Council approved the Consent Agenda, except Items C3, C4, C8, C11, and C12 which were removed for discussion and separate vote:

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

Approval of Minutes

- C1. April 16, 2007 (City Clerk 701-09)
Action: Approved (4-1, Downey absent)
- C2. April 17, 2007 (City Clerk 701-09)
Action: Approved (4-1, Downey absent)

Ordinances

- C3. Second Reading - Approval of an Ordinance of the Council of the City of Monterey Regarding Abatement of Public Nuisances (City Attorney 705-02)
Action: Removed from Consent; Discussed; Denied passage of proposed ordinance; Continued redraft of this item to June 19, 2007 Meeting (4-1, Downey absent)

City Manager Meurer and City Attorney Mall presented the staff report, explaining the process used to develop the proposed ordinance. Mayor Della Sala opened the floor for public comment on this item. Mike Dawson, President of the Alta Mesa Neighborhood Association, spoke against specific language within the proposed ordinance, requesting a delay on the vote in order for neighborhoods to review and provide input. Lorna Moffet asked that the nuisance ordinance include language against pesticide usage. Judi Lehman, President of the Del Monte Beach Neighborhood Association, spoke against definitions used and asked to have the item tabled to further refine the document. Bob Evans, representing the New Monterey Neighborhood Association, spoke against approval and to delay any vote on this item. Anthony Gilchrist spoke against use of Roundup to eradicate weeds. Seeing no further requests to speak, Mayor Della Sala closed public comment. Councilmember Selfridge stated she received a request from the Laguna Grande Neighborhood Association asking this item be tabled for further consideration and input from neighborhood associations.

On a motion by Councilmember Haferman, seconded by Councilmember Sollecito, and carried by the following vote, the City Council continued this item to the June 19, 2007 Meeting:

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

- C4. Second Reading Revising Chapter 31.5 Storm Water Management, Article 2, Urban Storm Water Quality Management and Discharge Control (Public Works 806-18)
Action: Removed from Consent; Discussed; Adopted Ordinance 3387 C.S. (4-1, Downey absent)

City Engineer Reeves presented the staff report. Mayor Della Sala opened public comment on this item. Mrs. Barbara Bass Evans, from Save our Waterfront, stated she wanted to work with the City to help develop ways to keep source water on site, stating such programs could keep rain water on site and prevent run-off into the bay. Lorna Moffet stated she was surprised that the ordinance did not include any language on pesticide control. Seeing no further requests to speak Mayor Della Sala closed public comment. Director of Plans, Engineering & Environmental Compliance Reichmuth stated that the Integrated Pest Management Plan that is under development should address Ms. Moffet's concerns on pesticides.

On a motion by Councilmember Sollecito, seconded by Councilmember Haferman, and carried by the following vote, the City Council adopted Ordinance 3387 C.S. approving revisions to Chapter 31.5 Storm Water Management:

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

- C5. Second Reading Amending Chapter 1, Article 2, Administrative Remedies, Division 1, Administrative Citations, Section 1-9, Applicability (Public Works 806-18)
Action: Adopted Ordinance 3388 C.S. (4-1, Downey absent)

Resolutions

- C6. Approving Vehicle Maintenance Agreement Between the City of Monterey and the Carmel Wastewater Management District - (Public Works 1001-05)
Action: Adopted Resolution 07-061 (4-1, Downey absent)
- C7. Authorizing Preferential Residential Permit Parking for the Residents of the 1 – 99 Block of Via Paraiso (Public Facilities 901-06)
Action: Adopted Resolution 07-062 (4-1, Downey absent)
- C8. Amend Resolution 07-007 for the Harris and Associates Contract for Program Management Services – Authorizing Funding of Previously Approved Scope of Work (Design and Other Professional Services for CIP and NIP Projects) ***NIP & CIP*** (Public Works 704-05)
Action: Removed from Consent; Continued to evening session
- C9. Appropriation and Transfer of Funds for Neighborhood Improvement Program Fund FY2006/2007 Cut-off Projects: 1) Custom House Plaza Wall Removal, 2) El Dorado Driveway Reconstruction ***NIP*** (Public Works 406-04)
Action: Adopted Resolution 07-064 (4-1, Downey absent)

Other

- C10. Appointing Staff Representative to North Salinas Valley Mosquito Abatement District (NSVMAD)(City Clerk 701-04)
Action: Appointed Robert Reid to NSVMAD
- C11. Dedication of Easement to California American Water Company for Water Service at 570 Munras Avenue - Resolution (Public Works - 803-04)
Action: Removed from Consent; Continued to evening session
- C12. Authorizing Mayor or His Representative to Execute a Deed Restriction Regarding Limitations on the Use of Water at 570 Munras Avenue (Community Development- 704-02)
Action: Removed from Consent; Continued to evening session

End of Consent Agenda

PUBLIC COMMENTS

Mayor Della Sala opened the floor for public comments on items not on the agenda. Miriam Aguilar described how a motorist who she felt was drunk hit her parked car and implied the Police Department had not filed an accident report as some form of racial profiling. City Manager Meurer stated the driver was not drunk and that no report was taken as Ms. Aguilar left the scene before officers could take a report.

Francis Grate, a volunteer at the Cooper-Molera Adobe, described parking concerns for their facility since Trader Joe's parking lot closed for construction. Public Facilities Director Anderson stated his staff resolved this issue late this afternoon by issuing parking permits for Cooper-Molera staff to use at alternate locations for the duration of the construction.

Rosemary Foster and Lynn Overtree spoke in favor of judicious use of pesticides, noting that sometimes mechanical weed control is more dangerous than using a pesticide. Ms. Lorna Moffet spoke against statements made by Ms. Foster and Ms. Overtree. Trisha Liebert spoke against use of poisonous substances. Having no further requests to speak, Mayor Della Sala closed Public Comments. After the vote for this item Mayor Della Sala returned to the dais.

PUBLIC HEARINGS

1. Adopting Resolution Approving Scope and Financing Mechanism of Sewer System Fat , Oil and Grease Source Control Program (Public Works 802-01) *Continued from April 17, 2007*
Action: Continued to evening agenda

CLOSED SESSION

2. 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: Closed session not held; continued to evening session
3. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6 – Agency Negotiators: Fred Cohn, Ralph Bailey, Mike McCarthy – Employee Organizations: General Employees of Monterey (GEM); and Management Employee Association (MEA) (City Manager) (Human Resources 507-02 / 507-03)
Action: Closed session not held; continued to evening session

ANNOUNCEMENTS FROM CLOSED SESSION

Mayor Della Sala called a recess at 5:48 p.m. stating items C8, C11, C12, 1, 2 and 3 would be heard during the evening agenda and reconvened the meeting in open session at 7:00 p.m., where all Councilmembers except Councilmember Downey were present.

- C8. Amend Resolution 07-007 for the Harris and Associates Contract for Program Management Services – Authorizing Funding of Previously Approved Scope of Work (Design and Other Professional Services for CIP and NIP Projects) ***NIP & CIP*** (Public Works 704-05)
Action: Discussed; Amended and Adopted Resolution 07-063 including in the resolution not-to-exceed amount of \$187,428 (4-1, Downey absent)

Mr. Reichmuth presented the staff report. Mayor Della Sala opened the floor for public comment on the item. Mrs. Barbara Bass asked what is the total not-to-exceed amount. Mr. Reichmuth described the previous Council approvals, clarifying that the not-to-exceed maximum total, if this resolution is approved, is \$187,428. Seeing no further requests to speak Mayor Della Sala closed public comment on the item.

On a motion by Mayor Della Sala, seconded by Councilmember Sollecito, and carried by the following vote, the City Council amended the proposed resolution text for design and facility condition assessment services for various CIP and NIP projects to include the not-to-exceed amount of \$187,428 and approved Resolution 07-063:

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

C11. Dedication of Easement to California American Water Company for Water Service at 570 Munras Avenue - Resolution (Public Works - 803-04)
Action: Discussed; Adopted Resolution 07-065 (3-1-1, Downey absent & Della Sala abstaining)

C12. Authorizing Mayor or His Representative to Execute a Deed Restriction Regarding Limitations on the Use of Water at 570 Munras Avenue (Community Development- 704-02)
Action: Discussed; Approved (3-1-1, Downey absent & Della Sala abstaining)

Mayor Della Sala recused himself due to a potential conflict of interest on items C11 and C12, turning over the gavel to Vice Mayor Haferman and leaving the Council Chamber. City Manager Meurer and Mr. Reichmuth presented the staff report depicting the need for the easement and deed restrictions. Vice Mayor Haferman opened the floor for public comment on this item. Dan Presser asked where the service line would be and who is responsible for repairs of the line. Mr. Reichmuth indicated the line would be in the driveway and that California American Water Company would be responsible for repairs and maintenance.

On a motion by Councilmember Sollecito, seconded by Councilmember Selfridge, and carried by the following vote, the City Council authorized the dedication of easement and deed restrictions for 570 Munras:

AYES: 3 COUNCILMEMBERS: Haferman, Selfridge, Sollecito
 NOES: 0 COUNCILMEMBERS: None
 ABSENT: 1 COUNCILMEMBERS: Downey
 ABSTAIN: 1 COUNCILMEMBERS: Della Sala

1. Adopting Resolution Approving Scope and Financing Mechanism of Sewer System Fat , Oil and Grease Source Control Program (Public Works 802-01) *Continued from April 17, 2007*
Action: Tabled (4-1, Downey absent)

On a motion by Councilmember Selfridge, seconded by Councilmember Sollecito, and carried by the following vote, the City Council tabled this item:

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

CONTINUED PUBLIC COMMENTS

Mayor Della Sala opened the floor for public comments on items not on the agenda. Jean O'Brien from the Old Monterey Book Company presented to each Councilmember a copy of *Ghosts and Mystery: Along Old Monterey's Path of History* by Randall A Reinstedt, stating it was a perfectly charming book about Monterey. Seeing no further requests to speak Mayor Della Sala closed public comment.

PUBLIC APPEARANCE

4. Monterey Peninsula Airport District Presentation (Public Works 1003-01)

Action: Presentation made

Monterey Airport District General Manager Tom Greer provided a presentation on airport noise, stating how phasing out older jets with newer jets, reducing the overall number of plane operations, and replacing big jets with smaller, newer jets has reduced overall airport noise. Mr. Greer stated the district started collecting noise and plane data in January 2007 in order to update its noise exposure map, the map depicts aircraft noise against a map of the area to show how far spread noise impacts are felt. He identified several upcoming district meetings before the district turns in its data to the FAA in August 2007.

Mayor Della Sala opened the floor for public comments. Marcia Hardy, President of Oak Grove Neighborhood Association, spoke against the depiction of the noise map, stating planes frequently do not fly around her neighborhood and in fact fly directly over the homes there. Ms. Hardy asked the Council to be an advocate for neighborhoods in regards to airport noise nuisance. Dan Presser stressed that in addition to noise from airplanes that many residents experience noise from airport support vehicles and aircraft testing. Judi Lehman described a recent visit to San Francisco's Airport Noise Abatement Office and information methods and processes used there to receive from and report to nearby residents. She asked the Council to host a community roundtable on this topic and investigate the possibility of acquiring flight-tracking system with real time reporting to validate residents complaints. Mr. Wieslav Maslowski asked the Council to help neighborhoods enforce nighttime curfew hours, reduce over flight noise from small planes and helicopters, reduce use of CONA streets by airport delivery trucks and other service vehicles, develop a joint ordinance between the City and the Airport District to resolve these issues, and to investigate the use of sound walls to reduce noise impacts on neighbors. David Breedlove, on behalf of Monterey Fly Quiet, asked the Council to come to citizens' aid by improving noise issues and creating positive incentives to general aviation and airlines to play by the rules. Seeing no further requests to speak Mayor Della Sala closed public comment.

Councilmembers Haferman and Sollecito volunteered to work with the district and airlines towards achieving voluntary compliance. Mr. Greer reciprocated saying that the airport is willing to host a meeting. Mr. Greer confirmed for Councilmember Selfridge that if the new exposure map indicates a larger noise exposure zone, then money can be made available to retrofit homes within affected areas.

5. Concept Approval, Regional Development Impact Fees for Transportation - Resolution (Public Works 407-06)

Action: Adopted Resolution 07-066 (4-1, Downey absent)

Bill Reichmuth introduced the item. Don Bachman, Deputy Executive Director and Mike Zellar, Transportation Planner from the Transportation Agency of Monterey County (TAMC) presented the staff report, describing the different zones within Monterey County and how the fees would be accessed.

On a motion by Councilmember Sollecito, seconded by Mayor Della Sala, and carried by the following vote, the City Council approved in concept a region wide impact fee on new development to fund regional transportation projects, adopting Resolution 07-066:

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

OTHER BUSINESS

6. Public Employee Discipline/Dismissal/Release – Hearing to be Held in Open Session at the Request Employee (Human Resources 501-03) *Continued from April 17, 2007*
Action: Continued to May 7, 2007 at 4:00 p.m. (4-1, Downey absent)

On a motion by Councilmember Haferman, seconded by Mayor Della Sala, and carried by the following vote, the City Council continued this item to May 7, 2007 at 4:00 p.m.:

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

COUNCIL COMMENTS

Councilmember Haferman spoke about past and current green projects within the City and asked that green projects be added to the Council's strategic initiatives.

Councilmember Selfridge thanked staff for their work on the Dennis the Menace Statue Replacement Project and the Easter Egg Hunt.

Councilmember Sollecito thanked the State Highway Patrol, TAMC, and volunteers for cleaning up the trash along Highway 1, noting that enforcement of tarping your loads really has helped. Councilmember Sollecito commended Communications and Outreach Manager Anne McGrath for programming on Channel 25 and Senior Planner Rick Marvin specifically for a recent program on Channel 25 on mixed-use development.

CITY MANAGER REPORTS

City Manager Meurer encouraged the public to fill out and return to the city a community survey, noting these help the Council and City staff develop the budget. Mr. Meurer stated staff will issue Trader Joe's building permits this week. The Council and Staff discussed potential dates for the final personnel hearings, a study session on Catellus, and the next visioning meeting.

Mayor Della Sala adjourned the meeting to a closed session at 9:36 p.m.

CLOSED SESSION

2. 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: Report received; on a unanimous roll call vote the City Council gave confidential direction to their negotiators (4-1;Downey absent)
3. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6 – Agency Negotiators: Fred Cohn, Ralph Bailey, Mike McCarthy – Employee Organizations: General Employees of Monterey (GEM); and Management Employee Association (MEA) (City Manager) (Human Resources 507-02 / 507-03)
Action: Report received

ANNOUNCEMENTS FROM CLOSED SESSION

At 10:55 p.m. Senior Assistant City Clerk Raynor made the announcements as noted above and there being no further business to come before the City Council, Mayor Della Sala adjourned the meeting at 10:55 p.m.

ADJOURNMENT

Respectfully Submitted,

Approved,

Catherine A. Raynor, Senior Assistant City Clerk

Chuck Della Sala, Mayor