M I N U T E S
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MONTEREY
TUESDAY, May 15, 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: City Manager, City Attorney, Assistant City Manager, Director of Plans, Engineering & Environmental Compliance, Public Facilities Director, Senior Assistant City Clerk

City Manager Meurer noted that C8 includes a resolution for approval.

CONSENT ITEMS

On a motion by Councilmember Sollecito, seconded by Councilmember Selfridge, and carried by the following vote, the City Council approved the Consent Agenda:

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

Approval of Minutes

C1. April 25, 2007 (City Clerk 701-09)
Action: Approved

C2. May 1, 2007 (City Clerk 701-09)
Action: Approved

Resolutions

C3. Adopting the Annual Reports and Approving a Resolution to Set a Public Hearing Date to Levy the Annual Assessment (Community Development 407-08)
a. Cannery Row BID
b. New Monterey BID
c. North Fremont BID
d. Old Monterey BID
Action: Adopted Resolutions 07-067, 07-068, 07-069, and 07-070 C.S.

C4. Authorization to Purchase One New 2007 Sterling Contractors Flatbed, One New 2007 Chipper Truck and One New Chipper Box (Public Works 1001-02)
Action: Adopted Resolution 07-071 C.S.

C5. Amending Charges for the Public Facilities Department-Harbor/Marina Division (Public Facilities 407-06)
Action: Adopted Resolution 07-072 C.S.

C6. Authorizing the Police Department to Distribute Monterey District Attorney Victim of Crime Information Cards (Police 607-09)
Action: Adopted Resolution 07-073 C.S.

C7. Appropriation of Funds for the Monterey Conference Center Equipment Rental Program (Public Facilities 407-06)
Action: Adopted Resolution 07-074 C.S.

Other

C8. Approval of Colton Hall Museum and Cultural Arts Commission recommendations for 2006-2007 Cultural Arts Grants (Library 409-02)
Action: Adopted Resolution 07-075 C.S.

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

PUBLIC COMMENTS

Mayor Della Sala opened the floor for public comments on items not on the agenda. Vienna Merritt-Moore from Helping Our Peninsula's Environment (HOPE) spoke in favor of citizens ceasing the use of pesticides at home, describing literature and other materials of the Pesticide Free Preserve Program. Lorna Moffet requested that the Council discuss Roundup at both the afternoon and evening sessions, stating she had notified interested parties to attend the evening agenda. Judy Karas thanked the Council for the new signal light on Foam Street. Having no further requests to speak, Mayor Della Sala closed public comments.

PUBLIC APPEARANCE

1. Informational Report on Roundup Herbicide (Public Works 809-06)
Reports Received; Public Comment Taken; Continued to Evening Session to receive remaining public comment

On a motion by Councilmember Selfridge, and seconded by Councilmember Sollecito, the Council approved receiving reports and taking public comment on the afternoon agenda and continued the item to the evening agenda to receive further public comment:

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

Deputy Public Works Director Stafford presented the staff report, noting Roundup is a safe and labor saving tool and is one of many methods used by the City for controlling weeds. Mr. Stafford described Roundup usage in the City and the how various agencies he contacted in preparing the staff report use Roundup. Mr. Stafford introduced Monterey County Health Officer, Dr. David Stallworth who described Roundup from a health perspective. Dr. Stallworth cited several reports, indicating Roundup does not pose an unreasonable health risk. Dr. Stallworth compared test results showing Roundup has a low toxicity level, does not bioacumulate, and is not a greater risk for children, pets, or other animals. Dr. Stallworth concluded his comments stressing that it is important when using herbicides, such as Roundup, that they are safe when used according to the label. Mr. Stafford introduced Bruce Delgado, a local botanist. Mr. Delgado described the herbicide permitting process, integrated pest management plans, and the application of herbicides and other weed abatement tools. Mr. Delgado stressed the need for Roundup in removing invasive plants, reducing the spread of weeds, and fostering the regrowth of native plants. Mr. Delgado stated he supports the judicious use of herbicides.

Lorna Moffet spoke against spraying of Roundup within the City without notification to the public. Ms. Moffet provided the Council with a list of reports detailing health risks to people, pets, and other animals that are associated with Roundup. David Dillworth, a resident of Pacific Grove and Executive Officer from Helping Our Peninsula's Environment (HOPE), spoke against the use of Roundup, and pesticides in general, and spoke in favor of an integrated pest management program within the City.

Mrs. Philomene Smith spoke against a City ban on the use of Roundup, stating she is a volunteer who devotes many hours eradicating weeds. Ms. Smith stressed that the use of Roundup helps preserve and protect native plants and wildlife. Bruce Cowan, described his experiences as an environmental consultant and the use of Roundup in the Asilomar dune restoration, asking that staff be allowed to continue the use of Roundup when appropriately applied.

Ms. Wadsworth, a resident of Carmel Valley, spoke on the dangers of pesticides. Bob Oliver, a resident of Monterey Peninsula, described the use of 2,4-D herbicide and asked the Council to see how that is used by City staff.

Judy Karas asked the Council to investigate pesticide free parks, to post parks sprayed with Roundup, and provide information on the City's use of pesticides on the City web site. Vienna Merritt-Moore, a resident of Marina, asked citizens to choose not to use Roundup.
Carolyn Clark, a resident of Pacific Grove, spoke against the use of Roundup in City parks without any notification, stressing she and her small child use the park often and cannot continue to do so if Roundup is used without public notification. Mary Dunler, a Monterey County resident, spoke in favor of posting whenever spraying occurs.

Susan Hubbard, a resident of Salinas, spoke in favor of careful and judicious use of herbicides, stressing that weeds are threatening native flora and fauna. Ms. Hubbard stressed that she does not agree with a ban on Roundup, because a band on Roundup could lead to the use of more dangerous chemicals.

On a motion by Councilmember Downey, seconded by Councilmember Sollecito, and carried by the following vote, the City Council continued Item 2 and RDA1 to the Evening Agenda:

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

PUBLIC HEARING

2. Recommendation from the Planning Commission to the City Council for Approval of the FY 2007/08 Annual Action Plan for Community Development Block Grant (CDBG) Funds and Adoption of the FY 2007/08 Housing and CDBG Program Budget (Community Development – 201-09)
Action: Hearing not held; Continued to Evening Agenda

REDEVELOPMENT AGENCY – PUBLIC HEARING

RDA1. Recommendation from the Planning Commission to the Monterey Redevelopment Agency for Approval of the FY 2007/08 Annual Action Plan for Community Development Block Grant (CDBG) Funds and Adoption of the FY 2007/08 Housing and CDBG Program Budget (Community Development - 406-05)
Action: Hearing not held; Continued to Evening Agenda

Mayor Della Sala called a recess at 5:45 p.m. and reconvened the meeting in open session at 7:00 p.m., where all Councilmembers were present.

CONTINUED PUBLIC COMMENTS

Mayor Della Sala opened the floor for public comments on items not on the agenda. David Dillworth, a resident of Pacific Grove, asked the Council to consider several pesticide safety policy options. Lorna Moffet asked the Council to look at the total pesticide issue, specifically citing use of herbicide Sidekick on City property. Tricia Liebert spoke about Sudden Oak Death and read from a poem entitled *Feelings*. Seeing no further requests to speak Mayor Della Sala closed public comment.

PUBLIC APPEARANCE

1. Informational Report on Roundup Herbicide (Public Works 809-06) ***Continued from Afternoon agenda to receive remaining public comments***
   Action: Received Additional Public Comment

Mayor Della Sala opened the floor for continued comments on this item. Hank Smith, a Monterey resident and wildlife volunteer, spoke in favor of controlled use of Roundup to combat invasive plants that crowd out native species. Ximena Waissbluth, resident of Pacific Grove and Chair of the Monterey Chapter of the Surfrider Foundation, asked the Council to reduce the use of herbicides, pesticides, and develop less harmful methods to the maximum extent possible. Heather Hall, a Monterey County resident asked Council to develop ways to reduce the amount of Roundup that the City uses. Dave Grove, a local citizen, spoke in favor of keeping chemicals out of the ocean and reducing overall usage. Anthony Gilchrist asked citizens to stop facilitating the use of Roundup and to reduce the use other pesticides. Seeing no further requests to speak Mayor Della Sala closed comments.

On question by Mayor Della Sala, Mr. Stafford stated the City is not legally required to post, but that staff can look into this. Councilmember Downey stated there are several agencies whose primary responsibility is regulating pesticides, stressing that the City and City staff abide by those regulations. Councilmember Selfridge stated she is in favor of posting signs in parks when Roundup is used and along the Recreational Trail. Councilmember Selfridge asked that staff applying this product be properly trained. Councilmember Haferman stated that posting signs when pesticides have been used is a good idea. Mayor Della Sala closed the discussion, stating staff will continue to use Roundup for weed abatement, minimize the use of Roundup when possible, and post a notice when Roundup is used to provide a choice for citizens.

PUBLIC HEARINGS

2. Recommendation from the Planning Commission to the City Council for Approval of the FY 2007/08 Annual Action Plan for Community Development Block Grant (CDBG) Funds and Adoption of the FY 2007/08 Housing and CDBG Program Budget (Community Development - 201-09) ***Continued from Afternoon agenda***
   Action: Adopted Resolution 07-076 C.S.

Housing and Property Management Administrative Analyst Sandra Reeder and Housing & Community Development Coordinator Jennifer Miller presented the staff report, describing the Plan, defining who is eligible for the programs described within the plan, and the types of services proposed in the plan. Mayor Della Sala opened public comment and seeing no requests to speak closed public comments.

On a motion by Councilmember Downey, seconded by Councilmember Haferman, and carried by the following vote, the City Council adopted Resolution 07-076 approving the Action Plan and Budget:

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

Chair Della Sala adjourned the meeting to the Redevelopment Agency Meeting

REDEVELOPMENT AGENCY – PUBLIC HEARING

RDA1. Recommendation from the Planning Commission to the Monterey Redevelopment Agency for Approval of the FY 2007/08 Annual Action Plan for Community Development Block Grant (CDBG) Funds and Adoption of the FY 2007/08 Housing and CDBG Program Budget (Community Development - 406-05) ***Continued from Afternoon agenda Action: Adopted RDA Resolution 830***

Mayor Della Sala opened the floor for comment and seeing no requests to speak he closed public comments.

On a motion by Agencymember Haferman, seconded by Agencymember Downey, and carried by the following vote, the City of Monterey Redevelopment Agency adopted RDA Resolution 830 approving the FY 2007/08 Annual Action Plan for Community Development Block Grant (CDBG) Funds and Adoption of the FY 2007/08 Housing and CDBG Program Budget:

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

Chair Della Sala adjourned the meeting back to the City Council Meeting.

PUBLIC HEARINGS

3. 207 Dunecrest Avenue; Planning Commission Recommendation on Master Use Permit for Planned Unit Development, Parking Adjustment, Vesting Tentative Map and Condominium Plan to Convert 4 Apartments to Condominiums with 1 Inclusionary Unit at Workforce Pricing and 4 Tandem Parking Spaces in the Driveway; Applicant Christine Gianascol Kemp; Owner Carlos Casas; R-3-10-S Zoning District; Exempt from CEQA Requirements (Community Development 203-06)
Action: Amended 8th Condition of Approval and Adopted Resolution 07-077 C.S. (4-1; Selfridge voting No)

Senior Planner Rerig presented the staff report, noting that staff recommends modifying the 8th Condition of Approval to include that "Building improvement costs exceeding 25% of current assessed valuation of the building and property as shown in the records of the County Assessor within an three hundred sixty (360) day period require fire sprinkler retrofit."

Land Use Attorney Christine Kemp representing the property owner described the project, parking issues, and units as proposed. Architect Henry Ruhnke described the positive public comment taken previously on this project when the Council approved a moratorium on larger condominium conversions, noting that conversion would not increase parking demand in the neighborhood. Mayor Della Sala opened to floor to public comment on this item and seeing no requests to speak closed public comment. By consensus the Council gave direction to staff to include language in the Covenants, Conditions, and Restrictions (CCRs) to enforce ownership-occupancy and use of garages for parking.

On a motion by Councilmember Sollecito, seconded by Mayor Della Sala, and carried by the following vote, the City Council approved the Master Use Permit at 207 Dunecrest for a Planned Unit Development, Parking Adjustment, Vesting Tentative Map and Condominium Plan to Convert 4 Apartments to Condominiums with 1 Inclusionary Unit at Workforce Pricing and 4 Tandem Parking Spaces in the Driveway including a modification of the 8th condition of approval as recommended by staff:

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

4. The Storm Water Business Compliance Inspection Fee (Public Works 802-01)
Action: No Action; Item withdrawn by staff

PUBLIC APPEARANCE

5. Adopting Resolution Approving Scope and Financing Mechanism of Sewer System Fat, Oil and Grease Source Control Program (Public Works 802-01)
Action: Adopted Resolutions 07-078 and 07-079 C.S.

City Engineer Reeves presented the staff report, depicting the problems caused to pipes by fat, oil, and grease released into the sewer system. Mayor Della Sala opened public comment. Amalia Chamorro, from the California Restaurant Association, thanked Mr. Reeves for keeping them informed and how her organization is providing outreach and education. Seeing no further requests to speak Mayor Della Sala closed public comments.

On a motion by Councilmember Downey, seconded by Councilmember Sollecito, and carried by the following vote, the City Council approved staff recommendation adopting the Resolution 07-078 C.S. approving the program and Resolution 07-079 C.S. approving the fee:

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

Mayor Della Sala called a recess at 9:12 p.m., then reconvened the meeting at 9:25 p.m.

6. Authorizing Procurement of a City Wide Voice Over Internet Protocol (VOIP) Telecommunications System (Information Resources 107-03)
Action: Adopted Resolutions 07-080 and 07-081 C.S.

Director of Information Resources / City Clerk Gawf presented the staff report, noting the cost savings and return on investment that could be realized if approved. Mayor Della Sala opened public comment and seeing no requests to speak closed public comment.

On a motion by Councilmember Haferman, seconded by Councilmember Sollecito, and carried by the following vote, the City Council approved Resolutions 07-080 and 07-081 C.S. authorizing procurement of a City Wide Voice Over Internet Protocol Telecommunications System:

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

COUNCIL COMMENTS

Councilmember Selfridge stated that at the next meeting she will propose a discussion on the U.S. Mayors' Climate Protection Agreement. Councilmember Haferman thanked City staff, specifically Anne McGrath, and AMP personnel for the success of the General Plan Town Hall Meeting.

Councilmember Downey stated she viewed a recorded Council meeting and agrees that fonts used in overheads and in presentations need to be larger and Councilmember Selfridge added that speakers need to speak louder too. Councilmember Downey stated she appreciated the copy of Randall A Reinstedt's book she recently received. Councilmember Downey noted that she recently attended a Watershed Snapshot Day Group meeting, the Monterey Peninsula College President's Annual Address honoring Bert Cutino, and made comments on a report by the Fish and Game Commission. Councilmember Downey stated the Commission did not approve any requests and stated near-shore fishermen and recreation and charter boats have been hurt badly and thanked the Council for supporting the fishermen. In reference to the Lighthouse District Destination Plan Councilmember Downey suggested sending letters to residents on Lighthouse Avenue, Wave Street, and Hawthorne Avenue to solicit feedback from them on the plan. Councilmember Sollecito seconded Libby's concerns for fishermen, noting that fishermen are part of our culture and history and now are an endangered species.

Mayor Della Sala stated that many decisions made by this Council and former Councils have been done to protect and improve the environment, noting that Monterey has been a tree City USA for 26 years, continues to reduce energy consumption, purchase hybrid vehicles, and install fiber optic cables in the street to make signals more efficient and reduce wait times. Mayor Della Sala stated that over the last 20 years the Council have been good stewards of the environment and that City staff has done a great job supporting Council directions.

CITY MANAGER REPORTS

City Manager Meurer stated that May 23rd is the last personnel hearing and that the Council has its last visioning meeting June 4th.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Della Sala adjourned the meeting at 9:48 p.m.

Respectfully Submitted, Approved,

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Catherine A. Raynor, Senior Assistant City Clerk Chuck Della Sala, Mayor