

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MONTEREY
TUESDAY, June 5, 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: Councilmembers: None

City Staff:

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

PRESENTATIONS

§P1. Recognition of Defense Language Institute Quarterly Soldier Awards (City Manager 701-17)

Action: Recognition Given

Mayor Della Sala presented a proclamation to Seaman Lance J. Lueloff, and he made brief comments thanking the Council. Mayor Della Sala noted that Private First Class Misti K. Pierce was unable to attend tonight, and he read a proclamation honoring her.

City Manager Meurer noted that staff is requesting that a CPI indicator be added to the Thayer contract. Councilmember Downey asked to remove Items C9 and C10 from the consent agenda and she noted a correction to the May 15 minutes to say that she did not attend a meeting of the Fish and Game Commission, but was referencing a report.

CONSENT ITEMS

On a motion by Councilmember Downey, seconded by Councilmember Sollecito, and carried by the following vote, the City Council approved the Consent Agenda, with the noted corrections to the May 15, 2007 Minutes, and except Items C9 and C10 which were removed for discussion:

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

Approval of Minutes

C1. May 7, 2007 (City Clerk 701-09)

Action: Approved

C2. May 15, 2007 (City Clerk 701-09)

Action: Amended and approved

- C3. May 23, 2007 (City Clerk 701-09)
Action: Approved

Resolutions

- C4. Adopting 2007-2008 Appropriation Limit (Gann Initiative) (Finance 406-01)
Action: Adopted Resolution No. 07-082
- C5. Approve Change of Project Title – Fairgrounds Park (Airport Rd) to Monterey High School Lower Ballfield ***NIP*** (Public Works - 808-02)
Action: Adopted Resolution No. 07-083
- C6. Awarding of Contract of On-Call Electrical and Mechanical Engineering Design and Professional Services (Public Works 405-04)
Action: Adopted Resolution No. 07-084
- C7. Adopting Audio Visual Service Standards and Related Fees for the Monterey Conference Center (Public Facilities 405-04)
Action: Adopted Resolution No. 07-085
- C8. Amending the Traffic Resolution to add four-way stop control at the intersection of Tyler Street and Bonifacio Place (Public Works 803-07)
Action: Adopted Resolution No. 07-086

Mayor Della Sala recused himself from the discussion of Items C9 and C10 due to a potential conflict of interest, turning the gavel over to Vice Mayor Haferman and leaving the room.

- C9. Amending Resolution 07-038 to Increase Scope of Funds for Renovation of Building 735 Pacific Street (Public Works 406-04)
Action: Removed from consent: discussed; and adopted Resolution No. 07-087 (4-0-1, Della Sala not participating due to a potential conflict of interest)
- C10. Amending Resolution No. 06-36 To Increase scope of work for William A. Thayer Construction (Public Works 406-04)
Action: Removed from consent: discussed; and adopted Resolution No. 07-088 (4-0-1, Della Sala not participating due to a potential conflict of interest)

Councilmember Downey said that given the amount of money being spent on the building she assumes that this investment will address the office needs for a long period of time. City Manager Meurer said that the building would provide adequate space for the administrative services for the City, and as a practical matter would probably be in use for several years. On question, Assistant Public Works Director Uslar gave a brief report on the greenness of the 735 Pacific building. Councilmember Selfridge supported the reuse of the building.

It was moved by Councilmember Downey, and seconded by Councilmember Sollecito, to adopt Resolution No. 07-087, increasing the scope of funds for renovation of the 735 Pacific Street building, and adopt Resolution No. 07-088, increasing the scope of work for William A. Thayer construction.

On question, City Manager Meurer gave a brief history of the decision making process on the purchase and remodel of 735 Pacific Street. Vice Mayor Haferman said that he would favor having a discussion regarding initial planning for a Civic Center Master Plan. Councilmember Downey asked to agendize the matter. Councilmember Haferman supported being a model for use of solar panels.

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 |

Mayor Della Sala returned to the dais.

C11. Approving an Agreement with the Monterey Regional Water Pollution Control Agency(MRWPCA) for Storm Water Business Compliance Inspections (Public Works 806-18)

Action: Adopted Resolution No. 07-089

C12. Award of Contract for Professional Services for Heating Ventilation and Air Conditioning Upgrades for 200 & 400 Series Buildings at the Presidio of Monterey (Public Works 405-04)

Action: Adopted Resolution No. 07-090

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

PUBLIC COMMENTS

Mayor Della Sala opened the floor for Public Comments on items not on the agenda. Mary Jo Giardina, Ocean Harbor House resident, said that she was hoping that a plan would be put in place to assist below market unit owners in paying the special assessment for the seawall. She proposed some ideas for loan programs. Sharon Dwight supported holding a discussion on the master plan for the Catellus property. Having no further requests to speak, Mayor Della Sala closed Public Comments.

PUBLIC APPEARANCE

1. Review 2007-2008 Budget Policy Issues; Neighborhood Improvement program; and Capital Improvement program (*Public Hearing will be held at the June 19, 2007 City Council Meeting*)
 - a. Review of 2007/08 Budget Policy Issues (City Manager 406-03)
 - b. Review of Proposed Neighborhood Improvement Program for FY 2007/08 (Public Works 807-01)
 - c. Review of Proposed Capital Improvement Program for FY 2007/08 (Public Works 807-01)

Action: Heard presentations; continued to evening session

City Manager Meurer introduced the item, reviewing several policy issues, and Finance Director Rhoads reviewed the 2007/08 operating budget.

It was moved by Councilmember Haferman, and seconded by Councilmember Downey to continue Items 1 through 4 to the evening session. The motion carried by the following vote:

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

CLOSED SESSION

2. Conference with Legal Council Pursuant to Government Code Section 54956.9 - Existing Litigation: Giammanco, et al, v. City of Monterey (Parcel "B") (City Attorney 703-06)

Action: Continued to evening session

3. 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: Continued to evening session
4. Public Employee Discipline/Dismissal/Release-Pursuant to Government Code Section 54957 (Human Resources 501-03)
Action: Continued to evening session

Mayor Della Sala called a recess at 5:32 p.m., then reconvened the meeting at 7:00 p.m.

CONTINUED PUBLIC COMMENTS

Mayor Della Sala reopened the floor for Public Comments on items not on the agenda, and having no requests to speak, closed public comment.

CONTINUED PUBLIC APPEARANCE

1. Review 2007-2008 Budget Policy Issues; Neighborhood Improvement program; and Capital Improvement program (*Public Hearing will be held at the June 19, 2007 City Council Meeting*)
 - a. Review of 2007/08 Budget Policy Issues (City Manager 406-03)
 - b. Review of Proposed Neighborhood Improvement Program for FY 2007/08 (Public Works 807-01)
 - c. Review of Proposed Capital Improvement Program for FY 2007/08 (Public Works 807-01)**Action: Received and discussed report**

Finance Director Rhoads continued his presentation of the operating budget. Plans, Engineering & Environmental Compliance Director Reichmuth presented reports on the proposed fiscal year 2007-08 Neighborhood Improvement and the proposed Capital Improvement programs.

Mayor Della Sala opened public comment on the item. On question, Rick Heuer, NIP Spokesperson, explained the reasons that the NIP is recommending funding to repair a storm drain on MPUSD property and reasons for the Monterey Sports Center not being on the list of funded NIP projects. He suggested that Sports Center fees could be raised to support capital reinvestment. Assistant City Manager Cohn explained that there are several smaller Sports Center projects in the building maintenance fund. Councilmembers discussed the NIP funding process.

Sharon Dwight, NIP Representative for New Monterey and Alternate NIP Spokesperson, said that this was a frustrating year with regard to cost estimates. She reviewed several projects on the list. James Bryant, Alliance of Monterey Area Preservationists, noted that he sent a letter regarding making the seismic retrofitting of the historic adobes a City priority. He suggested that Council to bring back estimates for the cost for the retrofit. Seeing no further requests to speak, Mayor Della Sala closed the public hearing.

Councilmembers discussed the possibility of having the NIP Council Subcommittee meet with the NIP to discuss potential projects. Mayor Della Sala asked to have additional information on the increased estimate for the Sports Center bathroom project. He asked Council to consider whether this is the right time to fund a Civic Center Master Plan. Council discussed putting a \$90,000 NIP ending balance toward Sports Center bathrooms. Councilmember Downey said she is interested in conducting a Historic Master Plan and Councilmember Selfridge agreed. Ms.

Selfridge suggested that adobe retrofit should be a priority. Councilmember Haferman agreed that he is not interested in a master plan for the South side of Madison, but a Historic Master Plan on the north side might have merit. Councilmember Haferman said he would like to remove the Sports Center locker rooms from the CIP list in favor of the seismic retrofit of the French Consulate.

Mr. Reichmuth said that he did the cost estimate for the Sports Center restroom remodel. Councilmember Selfridge suggested that it might be time to increase the fees. On question, Mr. Heuer confirmed that one of the people at the NIP discussing the Sports Center project was the owner of a competing gym. Councilmember Downey said that she recalls a provision for the drainage project on the School District property where the developer and school district would have to fund the problem. On question, City Engineer Reeves explained the funding for the utility undergrounding. Councilmember Downey said that she would support funding the Sports Center over the adobe retrofit.

PUBLIC HEARING

5. Request to Levy Assessments for the Business Improvement Districts (BID), Fiscal Year 2007-2008: (Community Development 407-08)
 - a. Cannery Row BID
 - b. New Monterey BID
 - c. North Fremont BID
 - d. Old Monterey BID

Action: Adopted Resolution No. 07-091 (Cannery Row Business Association); Resolution No. 07-092 (New Monterey Business Association); Resolution No. 07-093 (North Fremont Business Association); Resolution No. 07-094, (Old Monterey Business Association), confirming each report and adopting each levy of assessment for FY 2007-08

Senior Planner Cole presented the staff report.

Mayor Della Sala opened the public hearing. Rick Heuer asked why there is no administrative fee on the BIDs. Seeing no further requests to speak Mayor Della Sala closed the hearing, saying that someone would get back to Mr. Heuer to answer his question.

On a motion by Councilmember Downey, seconded by Councilmember Sollecito, and carried by the following vote, the City Council approved the staff recommendation and adopted Resolution No. 07-091, confirming the report of the Cannery Row Business Association and adopting the levy of assessment for FY 2007-08; adopted Resolution No. 07-092, confirming the report of the New Monterey Business Association and adopting the levy of assessment for FY 2007-08; adopted Resolution No. 07-093, confirming the report of the North Fremont Business Association and adopting the levy of assessment for FY 2007-08; and adopted Resolution No. 07-094, confirming the report of the Old Monterey Business Association and adopting the levy of assessment for FY 2007-08:

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

Mayor Della called a recess at 9:06 p.m., then reconvened the meeting at 9:18 p.m.

Councilmember Selfridge asked that staff look for ways to earmark funds for cultural arts activities.

COUNCIL COMMENTS

6. Request to Agendize Discussion on the U.S. Mayors' Climate Protection Agreement of the Urban Environmental Awards by the United Nations (Councilmember Selfridge 204-01)
Action: Agendized

Councilmember Selfridge said that today is US Climate Day, and she asked to agendize an item on to discuss the matter, without requiring significant staff work. Councilmember Downey asked that staff simply identify what the City is already doing toward this initiative. Mayor Della Sala reviewed the list included in the packet, noting that Monterey has been using many of these energy-conserving methods for years.

On a motion by Councilmember Selfridge, seconded by Councilmember Downey, and carried by the following vote, the City Council agendized a discussion on the Climate Protection Agreement:

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

Councilmember Selfridge said that last night was a good meeting on visioning and suggested having periodic meetings to discuss how the Councilmembers are working together.

Councilmember Haferman noted that today is Election Day, and no one on the Council is running for anything.

Councilmember Sollecito reported on the Safe School Ambassadors meeting, where each school and each student in the program received an award from President Bush. He said that the program is an effort to curb violence and trains students to recognize other students who are being bullied or having difficulties. Mr. Sollecito reported on the Public Works Week celebration at the corporation yard.

Councilmember Downey reported that she attended the Vietnam Memorial on Memorial Day, and said that she appreciated the flags on Alvarado Street. She commended Gabriel Alvarado, who performed a heroic act recently. She said that she met with Taiwan Sister City representatives. She reported on the excellent follow up by Del Monte Center on a complaint from the neighborhood. Ms. Downey suggested that Monterey think about getting water from a floating desalinization plant aboard a ship. She suggested consideration of an ordinance that would ban plastic grocery bags. She asked if letters would be sent to area residents with regard to the changes proposed for Lighthouse. Councilmember Downey thanked Councilmember Sollecito for attending the condo conversion committee meeting. She congratulated Public Works Employee of the Year John Kuehl. She said that she recently met Abel Maldonado, who was very complimentary toward our library. She said she was surprised that Barbara Bass Evans was not here to participate in the budget discussion. Ms. Downey suggested that staff submit a project to the NIP next year for seismic upgrade of the adobes.

Mayor Della Sala gave brief report on the City's recently drafted vision, mission statement, value drivers and strategic initiatives.

CITY MANAGER REPORTS

City Manager Meurer gave no report.

Council adjourned to closed session at 9:33 p.m. Councilmember Selfridge recused herself from the discussion of Item 7 and left the Chamber.

CLOSED SESSION

- 7. Conference with Legal Council Pursuant to Government Code Section 54956.9 - Existing Litigation: Giammanco, et al, v. City of Monterey (Parcel "B") (City Attorney 703-06)
Action: Report received and discussed (Selfridge not participating due to a potential conflict of interest)

Councilmember Selfridge returned to the Chamber at the conclusion of the discussion of Item number 7.

- 8. 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: Received report

Councilmember Sollecito recused himself from the discussion of Item number 9, and left the Chamber.

- 9. Public Employee Discipline/Dismissal/Release-Pursuant to Government Code Section 54957 (Human Resources 501-03)
Action: On a roll call vote, the City Council affirmed the City Manager’s decision to terminate employment of Stephen McMahon (2-1-1-1, Downey & Della Sala voting aye; Haferman voting no, Selfridge abstaining, Sollecito not participating due to a potential conflict of interest)

ANNOUNCEMENTS FROM CLOSED SESSION

City Clerk Gawf 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 11:25 p.m.

Respectfully Submitted,

Approved,

Bonnie L. Gawf, City Clerk

Chuck Della Sala, Mayor