

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MONTEREY
TUESDAY, September 18, 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 4:02 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, Fire Chief, Police Chief, Director of Plans, Engineering & Environmental Compliance, Finance Director, Recreation and Community Services Director, Human Resources Director, Deputy Library Director, Senior Assistant City Clerk

In reference to item C11 Councilmember Haferman expressed concerns with the resolution used by aerial survey cameras and privacy issues that might result, stating that for these reasons he is registering a no vote on item C11.

CONSENT ITEMS

On a motion by Councilmember Sollecito, seconded by Councilmember Downey, and carried by the following vote, the City Council approved the Consent Agenda, except Items C18 and C19 which were removed for discussion with Councilmember Haferman voting No on Item C11:

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

Approval of Minutes

- C1. August 29, 2007 (City Clerk 701-09)
Action: Approved
- C2. August 30, 2007 (City Clerk 701-09)
Action: Approved
- C3. September 4, 2007 (City Clerk 701-09)
Action: Approved

Award of Contracts

- C4. Award of Contract for Minor Municipal Improvements - On-Call 2007-2008 Contract for BASOPS Contract (Navy and Army) Projects (Public Works 405-04)
Action: Adopted Resolution 07-166 C.S.
- C5. Award of Contract for Minor Municipal Improvements - On-Call 2007-2008 Contract for City Projects (Public Works 807-02)
Action: Adopted Resolution 07-167 C.S.

Ordinances

- C6. Second Reading – Amend City Code Section 6-10 to State, "This Section Does Not Apply to the City 'Dog Park' " and Amend City Code Section 23-8 to Exclude Animals in the El Estero Picnic Area, the Skate Park, and Dennis the Menace Playground (Public Works 809-05)
Action: Adopted Ordinances 3392 and 3393 C.S.

Resolutions

- C7. Recognizing Historic Monterey's "History Fest" celebration from October 6 through October 14, 2007 (Library 701-13)
Action: Adopted Resolution 07-168 C.S.
- C8. Award of Contract for "Toward a Seamless Monterey" Preserve America Grant Signage Program (Library 405-04)
Action: Adopted Resolution 07-169 C.S.
- C9. Approving Expenditure Plan for Supplemental Law Enforcement Services Funding (Police 406-04)
Action: Adopted Resolution 07-170 C.S.
- C10. Approving a Resolution Amending the Traffic Resolution to Install a New Two-way Stop Sign Controlling Traffic on Grove Street and Via Encanto Entering San Bernabe Drive (Public Works 701-13)
Action: Adopted Resolution 07-171 C.S.
- C11. Authorizing a Contract with the Association of Monterey Bay Area Governments (AMBAG) for a Color Digital Orthographic Photo Aerial Survey of the City of Monterey (Information Resources 805-03)
Action: Adopted Resolution 07-172 C.S.(4-1; Haferman voting No)
- C12. Authorizing Assignment of Lease for Café Fina Restaurant, Concession #8, 47 Municipal Wharf One (Community Development 206-03)
Action: Adopted Resolution 07-173 C.S.
- C13. Authorize the City's Down Payment Assistance Guidelines to Implement the Community Development Block Grant Down Payment Assistance Program for Low-income Households (Community Development 207-03)
Action: Adopted Resolution 07-174 C.S.
- C14. Amending Resolution 07-106 Appropriation of Additional Funding for the Presidio of Monterey Public Works Authority Fund (Public Works 406-04)
Action: Adopted Resolution 07-175 C.S.
- C15. Resolution Authorizing the Transfer and Appropriation of Funds for the Monterey Sports Center Circulating Line Replacement Project (Public Works 406-04)
Action: Adopted Resolution 07-176 C.S.

- C16. Authorization and Direction to Continue Fire Department Consolidation Planning and Appropriating Funds for the Amended Consolidation Consultation Services Contract with Citygate Associates, LLC (Fire 601-04)
Action: Adopted Resolution 07-177 C.S.
- C17. Approving Memorandum of Agreement By and Between the Fort Ord Reuse Authority and the City of Monterey Regarding Property Ownership and Responsibilities During the Period of Environmental Services to Remove Munitions and Explosives of Concern (Public Works 706-04)
Action: Adopted Resolution 07-178 C.S.
- C18. Approval of Memorandum of Understanding - Integrated Regional Water Management for the Monterey Peninsula (Public Works 804-05)
Action: Pulled for discussion; Adopted Resolution 07-179 C.S.

Director of Plans, Engineering, and Environmental Compliance Reichmuth presented a brief staff report, stating that approval makes the City and the District as a joint body eligible to apply for and receive grant funds where independently the City and District are ineligible.

On a motion by Councilmember Downey, seconded by Councilmember Haferman, and carried by the following vote, the City Council adopted Resolution 07-179 C.S. approving the staff recommendation:

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

Other

- C19. Appointment of Administrative Appeal Hearing Board Members (City Manager 701-06)
Action: Pulled for discussion; Approved (4-1; Selfridge abstaining)

Councilmember Selfridge recommended adding 2 additional members to this board in order to have more neighborhood representation on the board. City Attorney Mall stated discussion of adding additional members is not on this agenda and recommended that this item be placed under Council Comments on the next meeting agenda as previously requested by Councilmember Selfridge.

On a motion by Councilmember Sollecito, seconded by Mayor Della Sala, and carried by the following vote, the City Council appointed David Stocker, Daryl Hawkins, and John Villalpando to the Administrative Appeal Hearing Board for a term ending September 30, 2009 and Sharon Dwight as an alternate member:

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

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

PUBLIC COMMENTS

Mayor Della Sala opened the floor for public comments on items not on the agenda. Mike Dawson asked the Council to discuss at the next meeting agenda approval of a Council

resolution in opposition to the continued Light Brown Apple Moth spraying in Monterey County and other locations. Sharon Christiansen spoke in favor of Mr. Dawson's request. Having no more requests to speak, Mayor Della Sala closed public comments and adjourned the meeting to closed session at 4:40 p.m.

CLOSED SESSION

2. 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: On unanimous roll call votes, the City Council gave confidential direction to their negotiators; and on one roll call vote, the Council gave confidential direction to their negotiators (4-1; Selfridge voting No)

3. Public Employee Annual Performance Evaluation – Pursuant to Government Code Section 54957 - Title: City Attorney (Council 501-02)
Action: Not discussed; continued to evening agenda

4. Public Employee Annual Performance Evaluation – Pursuant to Government Code Section 54957 - Title: City Manager (Council 501-02)
Action: Not discussed; continued to evening agenda

CLOSED SESSION

Mayor Della Sala called a recess at 5:55 p.m. and then reconvened the meeting in open session at 7:00 p.m., where all Councilmembers were present.

ANNOUNCEMENTS FROM CLOSED SESSION

Senior Assistant City Clerk Raynor made the announcements as noted above.

CONTINUED PUBLIC COMMENTS

Mayor Della Sala opened the floor for public comments on items not on the agenda. Heberd Olsen spoke against the Light Brown Apple Moth (LBAM) spraying and reported problems with pedestrian and traffic signals on Martin and Pacific Streets respectively. Tim Wilcox spoke against LBAM spraying, stating his son experienced a serious reaction to the spraying. Sonny Fawcett, Karen Stafford, Emily Tonkin VanLandingham, Mike Lindberg, Lance Houston, David Dillworth, Vincent Tuminello, Gina Renee, Matt Holiday, Christine Seabock, Dave Potigian, Barbara Bass Evans, Karen Lister, Michael Maiorana, LeVonne Stone, Amy Segura, Carol Hatton, Janet Matheson, and Ellen Gerson also spoke out against LBAM spraying, many reporting medical problems resulting from the spraying and asking the Council to approve a resolution in opposition to further LBAM spraying. In addition many asked the Council what else the public should do to stop further LBAM sprayings.

Gerry Davis representing a group of 46 upper Alta Mesa residents who submitted a petition to the City Manager's Office yesterday afternoon asked the Council to stop the Neighborhood Improvement Program (NIP) traffic calming projects in their neighborhood, stating the NIP projects are not necessary and do not reflect the needs of the neighborhood. Seeing no further requests to speak Mayor Della Sala closed public comment.

Mayor Della Sala stated that the public should visit a physician if they, their family, or pets experience problems resulting from the spraying. Mayor Della Sala noted that physicians must report such incidences to the Monterey County Health Officer as that is the vehicle for recording

health problems that might result from the aerial spraying. City Manager Meurer added that the public should also contact their own local, state, and federal elected officials.

Councilmember Sollecito requested an item be placed on the next agenda to approve a resolution opposing the LBAM spraying.

Mayor Della Sala called a recess at 8:36 p.m. and then reconvened the meeting at 8:50 p.m.

PUBLIC HEARING

5. 136 Tide Avenue; Appeal of Planning Commission Decision Upholding an Architectural Review Committee Decision that Approved a New Two-Story House; Appellants Frances J. and Ellery F. Williams; Applicant Christine Hopper; Owner Gene Lavorini; R-1-6-D-1 Zoning District; Exempt from CEQA Requirements (Community Development 203-02)
Action: Held Public Hearing; Closed public comment; Continued to September 26, 2007 at 4 p.m. to conduct a Field Trip

Associate Planner Forrest Ebbs presented the staff report. Frances Williams, the appellant, spoke against the project as approved by the Planning Commission and Architectural Review Committee, stating the house is too large, she has privacy issues with the rear balconies, and would like the project lowered an additional 4 feet. Christine Hopper, the applicant, stated that the design conforms to the zoning ordinance and land use plan; allows for view sharing; and is compatible with other homes in the neighborhood. Ms. Hopper provided photos depicting the topographical constraints of the property and her assessment that the new project would have no significant privacy impact on the appellant's property.

Mayor Della Sala opened discussion to the public. Helen Datel spoke against the project voicing concerns with view sharing. Maria Anderson expressed concerns with the bulk and mass of the project and the precedent that will be set if this project is approved.

Judi Lehman, President of the Del Monte Beach Neighborhood Association, voiced concerns with bulk and mass, requested the project be lowered another 4 feet, and suggested relocating the garage to allow for lowering the project. Seeing no further requests to speak Mayor Della Sala closed public comments and asked Ms. Hopper to respond to public comments on the project.

A motion by Councilmember Sollecito, seconded by Mayor Della Sala, to deny the appeal and uphold decisions of the Planning Commission and the Architectural Review Committee failed by the following vote.

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

Councilmembers Downey and Selfridge stated they wanted to view the project from the appellant's property.

On a motion by Councilmember Downey, seconded by Councilmember Haferman, and carried by the following vote the Council continued this discussion to Wednesday, September 26, 2007 at 4 p.m. in order to conduct a field trip at the appellant's property:

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

PUBLIC APPEARANCE

5. Reorganization of the Public Works and Community Development Departments to a New Department of Plans and Public Works Including Position and Pay Adjustments (Public Works 101-08)
Action: Report discussed; Tabled

City Manager Meurer introduced the item and Director Reichmuth presented the staff report. Mayor Della Sala opened public comment. Bruce Crist, President of the New Monterey Neighborhood Association, spoke against approving this item tonight and requested the Council conduct a study session to discuss the reorganization in depth and receive more public comment. Judi Lehman, President of the Del Monte Beach Neighborhood Association, stated neighborhood association presidents are meeting with the City Manager September 24th and would like the City Manager to discuss this item with neighborhood association presidents before Council makes a decision. Mike Dawson, President of the Alta Mesa Neighborhood Association, spoke against the reorganization voicing concerns over the budget impacts associated with the proposed reorganization and stating a preference for decentralized power versus centralized power.

On a motion by Councilmember Downey, seconded by Councilmember Selfridge, and carried by the following vote the Council tabled discussion of the reorganization:

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

COUNCIL COMMENTS

6. Request to Agendize a Policy Requiring a Report to be Issued to the City Council as each NIP Project is Completed (Councilmember Selfridge 701-15) *Continued from August 21, 2007 and September 4, 2007 meeting*
Action: Withdrawn
7. Request to Agendize a Directive to the Planning Commission to Complete the Open Space Zone Study Prior to the City Council's Consideration of the Catellus Item (Councilmember Downey 203-07) *Continued from August 21, 2007 and September 4, 2007 meeting*
Action: Withdrawn
8. Request to Agendize-Water Issues at 774 Wave Street, Wave Street Studio (Councilmember Haferman 203-02)
Action: Withdrawn

Councilmember Sollecito requested an item be placed on the next agenda to approve a resolution opposing the LBAM spraying.

Councilmember Downey requested a discussion to agendize General Plan Update 5 (GPU5) on an upcoming agenda.

Mayor Della Sala noted that this year's History Fest starts October 5th and runs through 14th and that this weekend is the 50th anniversary of Monterey Jazz Festival.

CITY MANAGER REPORTS

City Manager Meurer did not present a report.

On a motion by Councilmember Downey, seconded by Councilmember Haferman, and carried by the following vote the Council continued closed session items to the October 2, 2007

Meeting:

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

CLOSED SESSION

- 9. Public Employee Annual Performance Evaluation - Pursuant to Government Code Section 54957 - Title: City Attorney (Council 501-02)
Action: Continued to October 2, 2007
- 10. Public Employee Annual Performance Evaluation - Pursuant to Government Code Section 54957 - Title: City Manager (Council 501-02)
Action: Continued to October 2, 2007

ADJOURNMENT

There being no further business to come before the City Council, Mayor Della Sala adjourned the meeting at 11:15 p.m.

Respectfully Submitted,

Approved,

Catherine A. Raynor
Senior Assistant City Clerk

Chuck Della Sala
Mayor