

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MONTEREY
TUESDAY, October 16, 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 4:01 p.m.

Council Members

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

Absent: None

City Staff:

Present: City Manager, City Attorney, Information Resources Director/City Clerk, Assistant City Manager, Director of Plans, Engineering & Environmental Compliance, Finance Director, Human Resources Director, Police Lieutenant, Senior Planners

CONSENT ITEMS

On a motion by Councilmember Downey, 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. September 26, 2007 (City Clerk 701-09)

Action: Approved

C2. October 2, 2007 (City Clerk 701-09)

Action: Approved

Ordinances

C3. Second Reading – Amend Ordinance 1087 C.S. Regarding Authorized Investments for the Scholze Park Trust Funds (Finance 407-07)

Action: Adopted Ordinance No. 3394

C4. Second Reading – Rezoning a Portion of McAbee Beach from C-R (Cannery Row Commercial) to Parks, Recreation and Open Space (Community Development 203-04)

Action: Adopted Ordinance No. 3395

C5. Second Reading – Rezoning of California State Parks Property Located Adjacent to the Ocean Harbor House (125 Surf Way) and the Monterey Beach Resort Hotel (2600 Sand Dunes Drive); R-3-20-S (Residential Medium Density Multi Family Dwelling District, 20,000 Minimum Lot Size Special Setbacks) to O (Open Space) (Community Development 203-02)

Action: Adopted Ordinance No. 3396

- C6. Second Reading – Ordinance Modifying Zoning Ordinance, Chapter 38, Article 4, Section 38-15 – Open Space Zoning Ordinance (Community Development 203-07)

Action: Adopted Ordinance No. 3397

Resolutions

- C7. Approving Memorandum of Agreement Among FORA , Monterey County, Cities of Seaside, Monterey, Del Rey Oaks and Marina, the Educational Facilities of California State Monterey Bay, University of California Santa Cruz, Monterey Peninsula College and the Department of Toxic Substances Control Concerning Monitoring and Reporting on Environmental Restrictions on the Former Ft. Ord, Monterey County, California (Public Works 204-06)

Action: Adopted Resolution No. 07-185

- C8. Amending On-Call Housing and Property Management Services (Community Development 501-04)

Action: Adopted Resolution No. 07-186

- C9. Approving the Final Map and Condominium Plan for the 585 Laine Street Condominium Project (Public Works 203-06)

Action: Adopted Resolution No. 07-187

- C10. Appropriation of Grant Funds from the Regional Surface Transportation Program and the Congestion Mitigation & Air Quality Program to Pacific Street Fund and Street Resurfacing Fund FY 2007/08 (Public Works 406-04)

Action: Adopted Resolution No. 07-188

- C11. Resolution Authorizing the Transfer of Funds for the New Monterey Curb Ramps PH.III - Hawthorne/Drake (New Monterey) ***NIP*** (Public Works 406-04)

Action: Adopted Resolution No. 07-189

- C12. Resolution Authorizing the Deferred Compensation Committee to Make Necessary Changes to the Investment Options Offered to City Employees in the VALIC Deferred Compensation Plan (Human Resources 504-13)

Action: Adopted Resolution No. 07-190

Other

- C13. Accepting Planning Commission Report that After One Year the Zoning Ordinance Limitation on Construction Hours is Working Well and There is No Need to Modify or Revise the Established Hours (Community Development 203-07)

Action: Report received and accepted

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

PUBLIC COMMENTS

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

Mayor Della Sala adjourned the meeting to a closed session at 4:10 p.m.

CLOSED SESSION

1. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6 – Agency Negotiators: Fred Cohn, Ralph Bailey, Mike McCarthy, Debbie Jones– Employee Organizations: General Employees of Monterey (GEM) (City Manager/Human Resources 507-02)
Action: Report received; discussed; no action taken
2. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6 – Agency Negotiators: Fred Cohn, Ralph Bailey, Mike McCarthy – Employee Organizations: Management Employee Association (MEA) (City Manager/Human Resources 507-03)
Action: Report received; discussed; no action taken
3. Public Employee Annual Performance Evaluation – Pursuant to Government Code Section 54957 - Title: City Attorney (Council 501-02)*Continued from October 2, 2007*
Action: Discussed
4. Public Employee Annual Performance Evaluation - Pursuant to Government Code Section 54957 – Title: City Manager (Council 501-02)*Continued from October 2, 2007*
Action: Continued to Evening Session

Mayor Della Sala called a recess at 5:15 p.m. and then reconvened the meeting in open session at 7:00 p.m., where all Councilmembers were present.

ANNOUNCEMENTS FROM CLOSED SESSION

Information Resources Director/City Clerk Gawf made the announcements as noted above.

CONTINUED PUBLIC COMMENTS

Mayor Della Sala opened the floor for Public Comments on items not on the agenda. Mike Lindburg said that he has been collecting information regarding adverse reactions to the LBAM spraying. He read from some of the e-mails that he received and asked Council to join the lawsuit to stop the spraying. On question, the City Attorney clarified that a court hearing is scheduled for 9:00 a.m. Thursday, and the public can attend but would not have the opportunity to participate. Mr. Houston agreed with the previous speaker, saying that his family was affected by the spraying. He submitted written information. Tony Keppleman, Carmel resident, supported the Council taking action to stop the spraying. He said that he had a reaction to the spraying and asked Council to consider the matter again.

Natasha Zeligs, Carmel resident, said that the inert ingredients that were revealed in a Santa Cruz newspaper are harmful, and she asked Council to support the lawsuit. Cathy Copia thanked the Council for their help, and she asked them to join the lawsuit. David Dilworth, Helping Our Peninsula's Environment, said that his organization filed the suit and obtained an injunction. He said that Thursday's hearing is important, and that HOPE will win the suit. He said that sticky traps are a more effective, inexpensive way to address the problem, and it would help if the City of Monterey joined the suit. Seeing no further requests to speak Mayor Della Sala closed public comment.

Councilmember Haferman said that he has received a lot of input over the last few days, and based on that information he is concerned that the spraying could continue.

Councilmember Haferman moved to take legal action on this item based on new information.

City Attorney Mall said that to take this type of action, Council would need to make a finding that they must take immediate action due to new information that arose after the posting of the agenda. Councilmember Downey asked if the information has gone to the judge, and Councilmember Haferman said he does not know.

Councilmember Haferman amended his motion and moved to agendize this matter as an emergency item because there is a need to take immediate action due to information that came to his attention after the posting of the agenda.

On question, City Attorney Mall explained that the judge will make the decision on Thursday, and the court is the best venue to hear the new information. She suggested forwarding it to HOPE's attorney. Councilmember Sollecito said that he would hope that the evidence speaks rather than who joins the suit.

Councilmember Selfridge seconded the motion.

Ms. Selfridge said that CDFA has placed the matter in the hands of their legal department. She said that she would like to at least pass a resolution in support of the suit. Mayor Della Sala said that he does not believe that joining the suit would have any impact on the outcome so he cannot support the motion. Councilmember Haferman said that there may be a dangerous compound in the spray, and health should be the primary concern.

The motion failed by the following vote:

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

Councilmember Downey and Mayor Della Sala urged Councilmember Haferman to submit the information to the court.

PUBLIC HEARINGS

5. Planning Commission Recommendation to Approve Amendments to the Zoning Ordinance (Off-Street Parking and Loading Regulations), the Cannery Row Local Coastal Program Land Use Plan and Lighthouse Area Plan Appendix C Regarding Parking Adjustment Guidelines; Negative Declaration Filed (Community Development 203-07 - [see Staff Report 5a](#), [see Staff Report 5b](#))

Action: Received report; held Public Hearing; continued to December 18, 2007 (3-2; Haferman, Selfridge voting no)

Senior Planner Marvin presented the staff report and answered Councilmembers' questions. He noted that a member of the public has requested that the item be continued to allow more time for public review. He expressed confidence that the item is consistent with matters brought forward during the process. On question, staff clarified the approval process, saying that the public would have an opportunity to comment during the second reading of the ordinances.

Mayor Della Sala opened the Public Hearing. Rhett Smith, 774 Wave Street, said that he paid a parking adjustment fee for his building, noting that he proposed tandem parking on the roof of his building. He said that the City did not provide incentive for personal electric vehicles or for applying the Mills Act to his historic building. He cited and disagreed with provisions from his parking agreement, stating that the agreement should not be a public record because it contains errors. He suggested that the City should open the parking lot at Irving and Foam during the evening. He asked why Bubba Gump's did not need additional parking to add 100 restaurant seats.

Carl Outzen agreed with most of the provisions of the staff report. He said there seem to be two standards, one for Downtown and another for Lighthouse, and that the requirement for a parking plan on Lighthouse is an unnecessary burden on the businesses. He said that the old way of not assigning spaces to residences in a mixed use and allowing overlapping parking was appropriate. He suggested that the item be continued to the next meeting.

Frank Donangelo, Cannery Row Company, 555 Abrego Street, said that continuing the item to the next meeting might make sense, as well as holding a meeting of the subcommittee prior to the next Council meeting. Having no further requests to speak, Mayor Della Sala closed the Public Hearing.

On question, Mr. Marvin explained that public participation was invited during the subcommittee process, and there were several individuals who participated consistently in that process. Mr. Reichmuth said that staff could thoroughly respond to the comments in writing at a subsequent meeting. City Manager Meurer recommended a continuation.

It was moved by Councilmember Downey, and seconded by Councilmember Sollecito to continue the item to the December 18, 2007 meeting:

Councilmember Haferman said he would rather hear this item at the second meeting in November and delay the Catellus item to January.

The motion carried by the following vote:

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

COUNCIL COMMENTS

Councilmember Haferman noted that there was a question in the read packet about the current one-way street on Hartnell, and he asked if information could be forwarded to the Council to help them understand the circulation in that area. He referenced a *Carmel Pine Cone* article about a speed hump and asked that it be distributed to the rest of the Council and the Traffic Engineer. He asked why the Police Department no longer uses 'baseball cards' and Sergeant Penko said that photographs are being taken for a new set.

Councilmember Selfridge congratulated Historic Monterey regarding History Fest.

Councilmember Downey said that *US News and World Report* said reported that Chicago no longer has enough rentals because of condo conversions. She noted that Caltrans spent \$60 million on litter. She said that the Jazz Festival & History Fest were great events, and that she appreciates the Annual Library Report. Councilmember Downey said that she was pleased with the Transformation Log Success Stories, and asked to review departmental time taken to answer Public Records Act requests. She noted that she attended a recent MST conference on sustainability and that people have to change their habits with regard to public transportation. She said that she would have supported the moth motion tonight if she thought it would help, but she thinks the issue has become political. She said that she would be in the courtroom on Thursday.

Mayor Della Sala reported that there would be a Town Hall meeting on green buildings on Monday October 22nd. He asked Council if they would like to look at their progress with regard to their Vision statement since it has been about six months since its development, and Council agreed to meet for that purpose in January.

CITY MANAGER REPORTS

City Manager Meurer announced that a joint study session regarding the Downtown Design Guidelines would be held with the City Council and Planning Commission next Wednesday, October 24 from 4:00 until 7:00 p.m. He said that immediately following the study session, MIIS is holding a public lecture on "Ethnicity and Nation-Building: Lessons from the Balkans" by Dr. Svetlana Broz. Mr. Meurer reported that Trader Joe's is still targeting November 30th for their opening. He reported on a Don Chapin project that he and Mr. Marvin visited in Salinas, where the value of the land is being used to make single family housing affordable.

Council adjourned to closed session at 8:55 p.m.

CLOSED SESSION

- 5. Public Employee Annual Performance Evaluation - Pursuant to Government Code Section 54957 – Title: City Manager (Council 501-02)*Continued from October 2, 2007*
Action: On a roll call vote, Council gave confidential direction to the staff (4-1; Downey voting no)

ANNOUNCEMENTS FROM CLOSED SESSION

Information Resources Director/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 10:00 p.m.

Respectfully Submitted,

Approved,

Bonnie Gawf
Information Resources Director/City Clerk

Chuck Della Sala
Mayor