

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MONTEREY
TUESDAY, December 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 4:00 p.m.

Council Members

Present: Councilmembers, Downey, Haferman, Selfridge, Sollecito, Mayor Della Sala
Absent: None

City Staff:

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

PRESENTATIONS

§P1. Presentation of 20-Year Service Award to Elvie Camacho (Public Works 701-17)

Action: Presentation made

Mayor Della Sala made the presentation, and Ms. Camacho made brief comments.

§P2. Recognition of Library Director Kim Bui Burton for being chosen as one of the 40 Most Distinguished Alumni of the San Jose State School of Library and Information Science (Library 701-17)

Action: Recognition given

Mayor Della Sala recognized Library Director Bui-Burton, who made brief comments.

§P3. Recognition of City's Team for the Organization of the First Green Building Expo (Public Works 701-17)

Action: Recognition given

Mayor Della Sala recognized the City's team that organized the Green Building Expo.

CONSENT ITEMS

Assistant City Manager Cohn recommended continuance of Item 4 to the January 15, 2008 meeting. He noted that Mr. Reichmuth and Mr. Rerig should be added to Item 2 negotiating team. He recommended Council to continue Item C11 to January 2, 2008 meeting and remove Items C16 and C17 for comment from members of the community.

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 C11, C16, and C17:

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

Award of Contract

- C1. Award of Contract for Remodel Presidio of Monterey (POM) Defense Manpower Data Center (DMDC) Second Floor Offices and Meeting Rooms Tenant Improvements Fall 2007 at Monterey Bay (Public Works 405-04)
Action: Adopted Resolution No. 07-224
- C2. Award of Contract for the Archer 700 Block Widening ***NIP*** (Public Works 405-04)
Action: Adopted Resolution No. 07-225

Ordinances

- C3. First Reading - Adopting Ordinance amending contract with the California Public Employees' Retirement System (CalPERS) (Human Resources)
Action: Passed Ordinance to Print; adopted Resolution of Intent No. 07-226

Resolutions

- C4. Award of Contract and Appropriation of Funds for the Purchase of One Bookmobile (Public Works 405-04)
Action: Adopted Resolution No. 07-227 (Award) and Resolution No. 07-228 (Appropriation)
- C5. Authorizing Month-to-Month Lease of 814 s.f. Portion of Passenger Depot Building on Catellus West Parcel to Monterey History and Art Association for Storage Purposes (Corner of Del Monte Avenue and Figueroa Street) (Community Development 203-02)
Action: Adopted Resolution No. 07-229
- C6. Parks and Recreation Commission Recommendation to Approve Pyro Spectaculars, Inc. to Provide the Pyrotechnical Services for the 4th of July Fireworks Display and Renewal Options (Recreation - 302-05)
Action: Adopted Resolution No. 07-230
- C7. Amending Resolution 07-149 for Inclusion of Additional Work Within the Existing Scope of Work for 735 Pacific Roof Replacement (Public Works 405-04)
Action: Adopted Resolution No. 07-231
- C8. Authorizing Inclusion of Additional Work Within the Existing Scope of Work for the Presidio of Monterey (POM) American Disability Act (ADA), Phase 5 Project **PMSA** (Public Works 405-04)
Action: Adopted Resolution No. 07-232
- C9. Recommendation from the Parks and Recreation Commission to Increase the Camping Fees at Veterans Memorial Park (Public Works 405-04)
Action: Adopted Resolution No. 07-233
- C10. Amending Resolution 07-202 Authorizing the Appropriation of Funds for the Presidio of Monterey Public Works Authority Fund (Public Works 405-04)
Action: Adopted Resolution No. 07-234

- C11. Authorizing the Acceptance and Appropriation of Grant Funds from the Monterey Bay Unified Air Pollution Control District’s AB 2766 Grant Program for the Web-Based Videoconference System Project (Public Works 405-04)
Action: Continued to January 2, 2008

On a motion by Councilmember Selfridge, seconded by Councilmember Downey, and carried by the following vote, the City Council continued the item to January 2, 2008:

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

- C12. Authorizing Transfer of Funds to Upgrade Candidate Application Tracking System and DataBase (SIGMA) (Human Resources 406-04)
Action: Adopted Resolution No. 07-235

Other

- C13. Approval of Re-appointment of City Forester to the Northern Salinas Valley Mosquito Abatement District (Public Works 405-04)
Action: Approved

- C14. Settlement of Workers' Compensation – M. Ventimiglia (Human Resources 408-04)
Action: Approved

- C15. Authorization to Send Letter in Opposition to the Marina Station Project (Community Development Series Number)
Action: Approved

- C16. Review of Letter to California Coastal Commission on Ocean View Plaza Project. (Community Development)
Action: Removed from Consent; discussed; approved (3-2; Haferman & Selfridge voting no)

Assistant City Manager Cohn introduced the item, noting that the Ocean View Plaza is a vested project and recommending approval of the letter. Senior Planner Cole presented details of the project and the approval process.

Councilmember Selfridge asked to have a study session to refresh the Council and community on the project.

Mayor Della Sala opened the floor to the public. Molly Erickson, Open Monterey Project, distributed information to the City Council and suggested that the Council have more information prior to voting on this letter. Anthony Lombardo, Ocean View Plaza Project, addressed the comments of the previous speaker, saying that the City approved the project, the court upheld the EIR, and that the affordable housing public components exceed the requirements. He said that the Coastal Commission is set to hear the item on January 11th and he asked Council to approve the letter. On question, he reviewed the outcome of a failed ballot measure to downzone the property, as well as two previous lawsuits filed by the people being represented by Ms. Erickson. On question, Mr. Lombardo reviewed the measures that are being taken to preserve Stohan’s building and noted that the building is the centerpiece of the public plaza. Having no further requests to speak, Mayor Della Sala returned the discussion to the Council.

It was moved by Councilmember Sollecito, and seconded by Mayor Della Sala, to approve the letter.

On question, City Attorney Mall clarified that the project has an approved vesting tentative map. Senior Planner Cole explained the requirements for a history center.

Mayor Della Sala reopened the floor to the public. Lorna Moffet asked what is considered affordable housing, and Senior Planner Cole explained that the definition is tied to state standards. Ms. Moffet suggested underground building or glass buildings to retain the view. Mayor Della Sala closed public comments on the item.

Councilmember Haferman said that the item should be continued to give additional time for public review, and he wants to be certain that everything is right with the letter. Councilmember Downey said she has heard all the items appropriately addressed and Councilmember Sollecito said that he believes the item should go forward now.

The motion carried by the following vote:

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

C17. Approval of City Integrated Pest Management Policy (Public Works 701-06)

Action: Removed from Consent; discussed; approved

Deputy Public Works Director Stafford presented the staff report.

Mayor Della Sala opened the floor for public comments. Lorna Moffet supported the Integrated Pest Management Policy and commended staff for their work. She asked that signage be clear as to what is being used and to include that the chemicals not be used during the rainy season. Having no further requests to speak, Mayor Della Sala returned the discussion to the City Council.

On question, Mr. Stafford noted that the staff posts notices when pesticides are being used, that using chemicals in the rain is illegal, and the plan calls for best management practices.

On a motion by Councilmember Downey, seconded by Councilmember Sollecito, and carried by the following vote, the City Council approved the City's Integrated Pest Management Policy:

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

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

PUBLIC COMMENTS

Mayor Della Sala opened the floor for Public Comments on items not on the agenda. Lorna Moffet thanked the Mayor and City Councilmembers for their involvement with the Apple Moth matter, saying that communities must work together to halt spraying of people when they are opposed. She voiced concerns regarding the FDA's drug approval process. Having no further requests to speak, Mayor Della Sala closed Public Comments.

CLOSED SESSION

1. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6 – Agency Negotiators: Bailey, McCarthy, Rhoads, Cohn - Employee Organization: Non Represented Employees Regular Part-Time (RPT) (Human Resources 507-0?)
Action: Continued to evening Session
2. Conference With Real Property Negotiators Pursuant to Government Code Section 54956.8 – Direction to Negotiators on Catellus Property Leaseholds (Agency Negotiators are Carl Anderson, Don Rhoads, Thane Wilson, Bob Humel) (Community Development 206-03)
Action: Continued to evening session

PUBLIC APPEARANCE

3. Council Priorities for NIP Projects (Public Works 808-03)
Action: Recommended to NIP Committee the seismic retrofit and roof replacement for the French Consulate, the Iris Canyon Creek Restoration Phase I, the Hartnell Gulch Walkway, and consideration of projects which fit the Council's green building initiative as recommended by the NIP Council Subcommittee (4-0-1, Mayor Della Sala not participating due to a potential conflict of interest)

Mayor Della Sala said that he has a potential conflict of interest on one of the recommended projects, so he recused himself from the hearing, handed the gavel to Vice Mayor Haferman, and left the Chamber.

Plans, Engineering, and Environmental Compliance Director Reichmuth presented the staff report.

Vice Mayor Haferman opened the floor for public comments. NIP Spokesperson Heuer requested additional information regarding erosion in Iris Canyon, and asked that Council recommend specific projects. Having no further requests to speak, Vice Mayor Haferman returned discussion to the dais.

Councilmember Selfridge asked to include a project to add brackets for solar panels to the roof at 735 Pacific. Assistant City Manager Cohn explained that there is no advantage to putting brackets in at this time, and may inhibit the use of some types of solar panels. Ms. Selfridge requested including some type of solar for 735 Pacific Street. Mr. Reichmuth explained that because it is not a 'neighborhood project,' it might meet the NIP's criteria. Ms. Selfridge asked to put resources into the next step for green buildings and the seismic retrofit and roof replacement for the French Consulate. Councilmember Downy agreed and said that she supports introducing green projects to the NIP. Vice Mayor Haferman noted for the public that anyone could submit a project idea to the NIP committee.

It was moved by Councilmember Sollecito, and seconded by Vice Mayor Haferman, to recommend the seismic retrofit and roof replacement for the French Consulate, the Iris Canyon Creek Restoration Phase I, and the Hartnell Gulch Walkway.

Councilmember Selfridge asked to include continuance of green building project promotion in the motion. Vice Mayor Haferman suggested that the NIP Subcommittee monitor and comment on any appropriate projects.

The motion maker and seconder agreed to add to the motion consideration of projects which fit the Council's green building initiative as recommended by the NIP Council Subcommittee. The motion carried by the following vote:

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

Mayor Della Sala called a recess at 5:30 p.m., then reconvened the meeting in open session at 7:00 p.m., where all Councilmembers were present.

CONTINUED PUBLIC COMMENTS

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

CONTINUED PUBLIC HEARINGS

- 4. 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)
Continued from October 16, 2007
Action: Continued to January 15, 2008

Assistant City Manager Cohn explained that due to a letter received on this matter this morning, staff recommends continuance to the January 15, 2008 meeting in order to respond to the letter. Councilmember Downey expressed concerns regarding receiving a letter with complex issues on the day of the Council meeting.

On a motion by Councilmember Sollecito, seconded by Councilmember Downey, and carried by the following vote, the City Council continued the item to January 15, 2008:

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

PUBLIC HEARINGS

- 5. Consideration of Planning Commission Recommendation to Rezone 681 Madison Street as a City Historic Resource from R-1-6 to R-1-6-H-2 and Authorize a Mills Act Contract (Community Development 203-02)
Action: Passed Ordinance to print and approved a Mills Act contract with Finding & Conditions of Approval as recommended by staff

Senior Planner Marvin presented the staff report, recommending Council's approval. Mayor Della Sala opened the Public Hearing, and having no requests to speak, closed the Hearing.

On a motion by Councilmember Downey, seconded by Councilmember Haferman, and carried by the following vote, the City Council passed the ordinance to print and approved a Mills Act contract with Finding & Conditions of Approval as recommended by staff:

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

- 6. Planning Commission Recommendation to:
 - A. Pass to Print an Amendment to the Subdivision Ordinance Regarding Procedures and Requirements that Apply to Residential Condominiums and the Conversion of Residential Rental Apartments to Condominium Ownership. Including Changes to Application Requirements, Improvement Requirements, Tenant Protection, Owner Associations and Findings for Decision.
 - B. Authorize Staff to Prepare for Future Consideration a Subdivision Ordinance Amendment to allow the Planning Commission Approval Authority Over all Condominium Conversion Applications.
 - C. Authorize Staff to Investigate the Requirements and Cost of Preparing a Nexus Study to Determine the Feasibility of Imposing a Conversion Mitigation Fee on Future Condominium Conversion Projects (Community Development 203-02)

Action: Certified Negative Declaration; approved Findings; passed Ordinance to print; authorized staff to prepare Subdivision Ordinance Amendment to allow Planning Commission approval authority over condominium conversion applications; authorized Staff to Investigate the Requirements and Cost of Preparing a Nexus Study to Determine the Feasibility of Imposing a Conversion Mitigation Fee; and directed staff to prepare two separate checklists

Senior Planner Marvin presented the staff report.

Mayor Della Sala opened the Public Hearing. Carl Outzen voiced concerns regarding the difference between new condominiums and conversions as outlined in the Planning Commission recommendation and asked that no too many restrictions be put on newly built condominiums. Having no further requests to speak, Mayor Della Sala closed the Public Hearing.

On question, Planning Commission Chair McCrone confirmed that the Planning Commission heard Mr. Outzen’s comments, but did not find the language in the ordinance too confusing. On question, he agreed that separate checklists for conversions and new buildings would clarify the matter. Councilmember Downy thanked the subcommittee members for tackling this issue. Mr. McCrone noted that the subcommittee received input from several members of the community. He stressed the importance of conducting the nexus study.

It was moved by Councilmember Downey, and seconded by Mayor Della Sala, to certify the Negative Declaration; pass the Amendment to the Subdivision Ordinance to print; authorize staff to prepare for future consideration a Subdivision Ordinance Amendment to allow the Planning Commission approval authority over all condominium conversion applications; authorized staff to investigate the requirements and cost of preparing a Nexus Study to determine the feasibility of imposing a conversion mitigation fee on future condo conversion projects; to direct the preparation of two separate checklists, one each for conversions and new buildings; and approve the findings. The motion carried by the following vote:

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

OTHER BUSINESS

- 7. Appointments to Outside Agencies (Information Resources 701-04)
Action: Approved appointments as recommended

Information resources Director/City Clerk Gawf presented the staff report.

On a motion by Councilmember Sollecito, seconded by Councilmember Downey, and carried by the following vote, the City Council approved the appointments as recommended:

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

COUNCIL COMMENTS

Councilmember Downey said that the Christmas in the Adobes and the Sunday concert were outstanding events this year. She thanked Norm Peterson, who helped the City in many instances. Mayor Della Sala said this Season is a good time to stop and count our blessings as a community and be thankful for everything we have. Councilmember Downey asked to adjourn in the memory of Mayor Della Sala’s mother-in-law, who passed away.

CITY MANAGER REPORTS

Assistant City manager Cohn wished everyone Happy Holidays.

Mayor Della Sala closed the public portion of the meeting at 8:10 p.m. in his mother-in-law’s memory.

CLOSED SESSION

1. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6 – Agency Negotiators: Bailey, McCarthy, Rhoads, Cohn - Employee Organization: Non Represented Employees Regular Part-Time (RPT) (Human Resources 507-0?)
Action: On a unanimous roll call vote, the City Council gave confidential direction to their negotiators

2. Conference With Real Property Negotiators Pursuant to Government Code Section 54956.8 – Direction to Negotiators on Catellus Property Leaseholds (Agency Negotiators are Carl Anderson, Don Rhoads, Thane Wilson, Bob Humel) (Community Development 206-03)
Action: On a roll call vote, the City Council gave confidential direction to their negotiators (4-1; Selfridge voting no)

ANNOUNCEMENTS FROM CLOSED SESSION

Announcements were made as noted above.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Della Sala adjourned the meeting at 9:00 p.m.

Respectfully Submitted,

Approved,

Bonnie L. Gawf
Information Resources Director/City Clerk

Chuck Della Sala
Mayor