

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

Council Members

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

City Staff:

Present: City Manager, City Attorney, City Clerk, Fire Chief, Police Chief, Plans, Engineering & Environmental Compliance Director, Finance Director, Recreation and Community Services Director, Human Resources Director, Library Director, Solid Waste Program Manager, Senior Planners

PRESENTATIONS

- §P1. Recognition of the Harbor Staff and Contractors for Efforts to Remove Sparky the Barge from Del Monte Beach (Public Facilities 701-17)
Action: Recognition given

Mayor Della Sala recognized and thanked those who returned Sparky to his moorings after he broke away twice and landed the beach during recent unusual storms. Harbormaster Scheiblauer wheeled Sparky's failed shackle into the Council Chamber, along with a replica of the new shackle and a link from the chain.

- §P2. Presentation of the California Clean Marina certificate to the Monterey City Council (Public Facilities 701-17)
Action: Presentation made

Harbormaster Scheiblauer presented the California Clean Marina award from the California Coastal Commission and State Department of Boating and Waterways to the City Council. Mayor Della Sala read from the certificate of award, and thanked the staff for their efforts to ensure a clean marina.

STUDY SESSION

1. City Council's Role in Employee Disciplinary Cases (Human Resources 501-02)
Action: Report received and discussed

City Manager Meurer introduced the item, and Human Resources Director Bailey presented the staff report outlining the City Council's role in disciplinary cases. On question, Mr. Bailey explained that the Assistant City Attorney or outside counsel would serve as the prosecutor in personnel appeals to the City Council.

2. Lower Old Town Historic Survey (Community Development 201-15)
Action: Report received and discussed

City Manager Meurer introduced the item, and Senior Planner Cole presented the staff report, reviewing the policy implications of the survey. She explained the differences between the two levels of historic classification. On question she said that the survey would be brought back for Council decision in February. She confirmed that all of the property owners have been notified and received a copy of the survey. Mayor Della Sala suggested that staff could send the list of advantages and disadvantages of historic designation to the property owners.

Mayor Della Sala opened the floor for public comments on the Lower Old Town Historic Survey. Mary Ann Finocchi asked Council to accept the informational report and approve the survey when it comes back in the future.

Mayor Della Sala opened the floor for public comments on the personnel hearing process. Chuck Metoyer asked if the testimony given by the employee during the personnel hearing process is sworn, and the City Attorney confirmed that all witnesses are sworn. Having no further requests to speak, Mayor Della Sala closed the floor.

Mayor Della Sala called a recess at 5:05 p.m., then reconvened the meeting at 7:00 p.m., where all Councilmembers were present.

PRESENTATIONS

§P3. Presentation by the California Department of Conservation, Recycling Division, to Conduct Comprehensive Recycling Community (CRC) Project (Public Works - 802-07)
Action: Presentation made

Solid Waste Program Manager Brantley introduced Butch Mosley, California Department of Conservation, and he gave the presentation. Mr. Mosley explained the Comprehensive Recycling Community Project. He reviewed the proposed CRC activities, strategies, and the reasons for choosing the Monterey Peninsula for this program.

Councilmembers discussed the effectiveness of the buy-back program in regard to bringing "new" materials back into the waste stream rather than materials that are being taken out of commercial bins and sold at the buy-back centers. Mr. Mosley said that there is a plan in the program to establish a baseline. On question, he explained the contractual obligations regarding the recycling buy-back centers. City Manager Meurer noted that the military is interested in reinvigorating their recycling programs. Plans, Engineering, and Environmental Compliance Director Reichmuth said that the kickoff event would be held on Monday at 10:30 a.m. at the Monterey Materials Recovery Center.

CONSENT ITEMS

City Manager Meurer commented briefly on Item C12, saying that the report does not address the time spent by staff in departments other than the City Attorney's office. He referenced a recent article in the Herald on Public Records Act requests. Councilmember Downey abstained from Item C1, and requested removal of Item C6 for discussion. Councilmember Selfridge asked to remove Item C4 for discussion.

On a motion by Councilmember Downey, seconded by Councilmember Selfridge, and carried by the following vote, except Item C1 from which Councilmember Downey abstained, the City Council approved the Consent Agenda, except Items C4 and C6, which were removed for separate discussion:

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

Approval of Minutes

- C1. December 7, 2006 (City Clerk 701-09)
Action: Approved (4-0-1, Downey abstaining)
- C2. December 14, 2006 (City Clerk 701-09)
Action: Approved
- C3. January 2, 2007 (City Clerk 701-09)
Action: Approved

Resolutions

- C4. Adopt Resolution Contracting for Program Management Services for FY '06-'07 CIP and NIP Programs (Public Works 808-02)
Action: Removed from Consent; discussed; adopted Resolution No. 07-007

Plans, Engineering, and Environmental Compliance Director Reichmuth presented the staff report. Councilmember Selfridge asked why the 2006-07 projects were chosen for this contract rather than older projects, and Mr. Reichmuth explained that some work had already been completed on the older projects, and it would be less productive to have to bring the contractor up to date on those projects. He clarified that the list contains the projects that would be assigned to Harris and that all of these projects will have been at least started by June of 2007. City Manager Meurer explained that recruiting adequate engineering staff during peak load would ultimately cause layoffs, because the City could not sustain those new engineers for the long run. On question he indicated that the NIP Committee has been briefed on this proposal. Mr. Reichmuth said that there would be close evaluation and analysis of this contract.

Mayor Della Sala opened the floor for public comment on the item. Lorna Moffett asked what the NIP entails, and City Manager Meurer gave a brief explanation of the program. Having no further requests to speak, Mayor Della Sala returned discussion to the City Council, noting that the City is responding to the public's desire to move these projects forward.

It was moved by Mayor Della Sala, seconded by Councilmember Downey, and carried by the following vote to adopt Resolution No. 07-007, contracting for program management services for FY '06-'07 CIP and NIP:

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

- C5. Approving Waiver of Indemnification Agreement for State Theatre Mural Project (Community Development 203-02)
Action: Adopted Resolution No. 07-008
- C6. Approving Reorganization of the Office of the City Clerk and Information Services Division into the Department of Information Resources (City Manager 101-08)
Action: Removed from Consent; discussed; adopted Resolution No. 07-009

City Manager Meurer explained that the goal is to restructure the organization to be able to meet the increased service requests with existing staff, as well as retaining existing staff through pay adjustments. He said that he has two major reorganizations that are being undertaken at this time: Public Works and Community Development and City Clerk and Information Services. He said that

this reorganization would assist the City in implementing a content management system, which is essential to doing business.

Councilmember Downey said this philosophy is sound and efficient. She asked what value would be added by this reorganization. Assistant City Manager Cohn explained that we are trying to consolidate various data resources that currently reside in different departments, which causes the same information to be entered multiple times. Ms. Downey said that she would rather tie reorganizations' into the budget process.

Mayor Della Sala opened the floor for public comment, and having no requests to speak, closed the floor.

Councilmember Haferman said that while he too would rather have these items come up with the budget, this action would increase efficiencies. Mayor Della Sala said that we have increasing requests for services, and the only way to sustain services is to increase the use of technology.

It was moved by Councilmember Downey, seconded by Mayor Della Sala, and carried by the following vote to adopt Resolution No. 07-008, approving the reorganization of the Office of the City Clerk and Information Services Division into the Department of Information Resources:

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

C7. Parks and Recreation Commission Recommendation to Approve PyroSpectaculars, Inc. to Provide Pyrotechnical Services for 2007 4th of July Celebration (Recreation 302-05)
Action: Adopted Resolution No. 07-010

C8. Parks and Recreation Commission Recommendation to Approve Kelly Productions to Provide Musical and Color Act Services for 2007 4th of July Celebration - (Recreation 302-05)
Action: Adopted Resolution No. 07-011

C9. Amending Resolution 06-11 Revising Public Works Charges and Fees (Public Works 407-06)
Action: Adopted Resolution No. 07-012

C10. Resolution Amending Resolution 06-97 Amending the Position Control List to Authorize One Senior Craftworker Overfill Position in the Public Works Presidio Maintenance Operations Division (Public Works 502-03)
Action: Adopted Resolution No. 07-013

C11. Assign Concession Agreement – Monterey Tennis Center to Alan Telfer (Recreation 301-03)
Action: Adopted Resolution No. 07-014

Other

C12. Public Records Act (PRA) Request Status (City Attorney 704-10)
Action: Report received

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

PUBLIC COMMENTS

Mayor Della Sala opened the floor for Public Comments on items not on the agenda. Deborah Lindsay, Sustainable Monterey County, invited Council to a February 1st lecture on "Creating Sustainable Communities" from 6:45 – 8:30 p.m. at the Monterey Youth Center. She distributed

brochures to the City Council. Lorna Moffett, citizen, voiced concerns about the effects of Roundup pesticide on the Marine Sanctuary and all wildlife. Michael Allen distributed materials to the City Council and called for an investigation into wrongdoing by City staff. He asked to have the matter placed on the next agenda. City Manager Meurer explained that the Court has adjudicated this matter, and the speaker is asking Council to overturn the Court's decision. He suggested that the speaker clarify his request in writing. Having no further requests to speak, Mayor Della Sala closed Public Comments.

PUBLIC HEARINGS

3. 1251 David Avenue; Appeal of Planning Commission Decision Upholding a Zoning Administrator Decision that Denied a Variance for a 6"-11" Tall Fence in the Front Yard Setback ; Appellant and Owner Kevin and Lisa Morgan; R-1-5 Zoning District; Exempt from CEQA Requirements (Community Development 203-02)
Action: Held Public Hearing; overturned Planning Commission Decision based on findings, granting the appeal (4-1, Selfridge voting no)

Senior Planner Marvin presented the staff report, showing photographs of existing fences that exceed the current height rules. He recommended that Council uphold the Planning Commission's decision. City Manager Meurer clarified that staff and the Planning Commission must follow the written rules, and Council has discretion to make findings and interpret the rules. On question, Mr. Marvin clarified that the occupants use the Withers frontage as their front yard and that the height limit in the back yard is 6 feet.

Mayor Della Sala opened the Public Hearing to the applicant. Kevin Morgan said that the fence is needed for safety and privacy, and it is appropriate because there are many fences of similar height on David Avenue. He said that excessive traffic and noise exist, but the variance was denied on the basis that the fence did not fit the character of the neighborhood. He said that it is constructed of standard 6X8 lattice top redwood panels, purchased at Home Depot, and they do fit into the character of the neighborhood. He said that he had a letters of support from his neighbors, and asked Council to grant their appeal. Lisa Morgan clarified that the original complaint came from someone who does not live close by. She voiced concerns regarding the safety of her children, saying that a four-foot fence does not provide adequate safety. She said that the fence muffles the noise from David Avenue. She asked Council to grant the variance.

Mayor Della Sala opened the floor for comments from the general public. Olivia Morgan, grandmother of the children who live in the house, confirmed the applicants' comments. She asked Council to grant the variance. Mark Henson, neighbor, spoke in support of the applicants' request, saying that the fence is important for their privacy. Stuart Grimes spoke in support of the applicant, noting the proximity of the house to David Avenue. Mr. Hilland, neighbor, spoke in support of the applicants' request. Mayor Della Sala closed the Public Hearing.

Councilmember Sollecito noted that the house is visible, and it is very close to the busy street. Councilmember Downey said that while the Planning Commission did the right thing, this is a very small lot with a double frontage, and the traffic and noise are difficult issues. She said that the neighborhood character is different on David, making this is an exception.

It was moved by Mayor Della Sala, and seconded by Councilmember Haferman, to grant the appeal based on findings that this is a double frontage, substandard lot, there is significant traffic on David Avenue causing noise, the fence is compatible with other fences in the neighborhood, and these findings justify a variance:

Councilmember Haferman reiterated that the Planning Commission decision was made on a 4-3 vote, and every property is different.

Mayor Della Sala added a finding to his motion that the setback from house to fence is less than twenty feet, and the seconder agreed. The motion carried by the following vote:

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

4. 5 Lower Ragsdale Drive; Appeal of Planning Commission Decision Upholding an Architectural Review Committee Decision that Denied a Sign with Multiple Tenant Identification Plaques; Appellant Wald, Ruhnke & Dost Architects; Owner Salinas Valley Memorial Healthcare Systems; I-R-150-D-2 Zoning District; Exempt from CEQA Requirements. (Community Development 203-02)

Action: Held Public Hearing; upheld Planning Commission and ARC decisions, denying the appeal (5-0); directed that applicant work with staff to design a sign that could include a listing of up to 3 businesses, and a minimum letter height of six inches (3-2, Downey, Selfridge voting no)

Associate Planner Ebbs presented the staff report, explaining the differences between symbol-based and letter-based signs and recommending that the Council deny the appeal.

Mayor Della Sala opened the Public Hearing to the applicant. Henry Ruhnke said that staff has made an inaccurate interpretation of the design requirements, causing this project to be subjected to different criteria than other projects. He presented photographs of existing signs at Ryan Ranch that are similar in design to the denied sign. He said that approval would not require a variance.

Mayor Della Sala opened the floor for comments from the general public Jean Derrah, Keller Medical Institute, said that she is constantly getting telephone calls from people trying to find the office. She invited Council to a ribbon cutting next week. Mary Ann Leffel, resident, said she works at Ryan Ranch at Wells Fargo, and often has up to five people per day come into her office looking for directions. Barbara Sullivan, Salinas Valley Health Care System employee, agreed with previous speakers and said that there are a number of buildings that have symbol-based signs. Having no further requests to speak, Mayor Della Sala closed the Public Hearing.

Associate Planner Ebbs addressed the issues, saying that the more simple the sign, the more effective it is.

Councilmember Sollecito said that he believes listing the individual doctors is more beneficial and less of a safety hazard. Councilmember Downey said that she believes the safety issues are legitimate given that people have to slow down to read a small font. She supported using symbols.

It was moved by Councilmember Downey, and seconded by Councilmember Haferman to uphold the planning Commission and ARC decisions, and deny the appeal:

Councilmember Haferman said he would like the applicant to work with staff on a taller sign with larger fonts. He said that he does not want to see a proliferation of multi tenant signs. On question, Councilmember Downey clarified that her motion is to approve the staff recommendation. Councilmember Haferman clarified that he does not support a sign with fourteen tenant identification plaques. Councilmember Selfridge supported the symbol machine.

The motion carried by the following vote:

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

It was moved by Mayor Della Sala, and seconded by Councilmember Haferman, for the applicant work with staff to provide a sign with a listing of 3 businesses, and a minimum letter height of six inches.

Councilmember Downey said that she could not support the motion, as she prefers just including the address and a symbol. Plans, Engineering and Environmental Compliance Director Reichmuth explained that having individual tenants' names on the main sign would not help people find them. Councilmember Haferman noted that the ARC was prepared to approve an internal directional sign.

Mayor Della Sala amended the motion to say that the sign could include a listing of no more than 3 businesses, and the seconder agreed. The motion carried by the following vote:

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

COUNCIL COMMENTS

Councilmember Sollecito reported on a recent TAMC meeting that he attended where a rapid transit system was discussed. Councilmember Downey reported that MST has a bus that one can ride to San Jose for approximately \$6 per trip. Councilmember Haferman said that while he was enjoying the recreation trail through Cannery Row this past weekend, he noticed an outstanding new building at 774 Wave Street that looks like it has been there for many years. He said that he was impressed by the style of the building, and that surrounding benches are heated stone. He suggested that it should be considered for an ARC design award. Councilmember Selfridge said she attended the League of California Cities workshop in Sacramento, and she received wonderful comments about Monterey from the other attendees.

CITY MANAGER REPORTS

City Manager Meurer reported that DLI staff is making plans to close the Franklin Street gate in favor of using Artillery Street. He noted that this has been done before, it creates a 'choke point' in traffic on Pacific Street, and he plans to discuss the matter further with Colonel Martis. Mr. Meurer said that trailers for temporary office space will be installed on January 19th, and staff is still evaluating who will move into 735 Pacific Street.

Mayor Della Sala adjourned the meeting to a closed session at 10:44 p.m.

CLOSED SESSION

5. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6 – Agency Negotiators: Bailey, Mazza, Rhoads, McCarthy, Larsen, Aldridge – Employee Organization: MFFA (Human Resources 507-04)
Action: On a unanimous roll call vote, the City Council gave confidential direction to their negotiators

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 11:29 p.m.

Respectfully Submitted,

Approved,

Bonnie L. Gawf, City Clerk

Chuck Della Sala, Mayor