

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MONTEREY
TUESDAY, June 2, 2009
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, Mayor Della Sala
Absent: Sollecito

City Staff:

Present: City Manager, City Attorney, Information Resources Director/City Clerk, Assistant City Manager, Fire Chief, Police Chief, Deputy City Manager Plans & Public Works, Finance Director, Public Facilities Director, Recreation and Community Services Director, Library Director, Chief of Planning and Engineering, Property & Housing Manager, Hans, Brian M

CONSENT ITEMS

City Manager Meurer noted that a Councilmember had requested removal of Item C12 from the Consent Agenda. Staff answered Councilmember questions regarding Consent Agenda items, and Councilmember Downey asked to remove Items C6 and C13.

On a motion by Councilmember Downey, seconded by Councilmember Haferman, and carried by the following vote, the City Council approved the Consent Agenda, except Items C6, C12, and C13, which were removed for discussion with Councilmember Haferman voting No on Item C10:

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

Approval of Minutes

- C1. May 19, 2009 (City Clerk 701-09)
Action: Approved (4-0-1, Sollecito absent)

Award of Contracts

- C2. Award of Contract to EAR Construction Company, Inc. for the Presidio Municipal Services Agency (PMSA) – Defense Manpower Data Center (DMDC) 4th Floor Bathroom Remodel Project (Plans and Public Works 405-04)
Action: Adopted Resolution No. 09-069 C.S. (4-0-1, Sollecito absent)

Resolutions

- C3. Receiving Engineer's Report and Adopting a Resolution of Intention to Levy Assessment and Setting Time for Public Hearing - Alvarado Street Maintenance District 85-1 (Plans and Public Works 407-08)
Action: Adopted Resolution No. 09-070 C.S. (4-0-1, Sollecito absent)

- C4. Receiving Engineer's Report and Adopting a Resolution of Intention to Levy Assessment and Setting Time for Public Hearing - Calle Principal Street Maintenance District 00-1 (Plans and Public Works 407-08)
Action: Adopted Resolution No. 09-071 C.S. (4-0-1, Sollecito absent)
- C5. Authorization to Participate in a Multi-Agency Agreement for the Maintenance and Operation of a County-Wide Mobile Data Communication System (MDCS) (Fire 107-07)
Action: Adopted Resolution No. 09-072 C.S. (4-0-1, Sollecito absent)
- C6. Resolution Amending the Administrative Citation Schedule of Fines to Increase the Fine for Violation of Monterey City Code § 13-4 - Prohibition of Fireworks - from \$500.00 to \$1000.00 (Police 407-06)
Action: Removed from Consent; discussed; adopted Resolution No. 09-073 C.S. (4-0-1, Sollecito absent)

Councilmember Downey stated that she is in favor of the fine increase for fireworks and requested additional information regarding some of the other fines cited in the report.

On a motion by Councilmember Downey, seconded by Councilmember Haferman, and carried by the following vote, the City Council approved the staff recommendation, adopting Resolution No. 09-073 C.S. increasing the fine for violation of MCC 13-4:

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

- C7. Authorizing Agreements with CalTrans for Federal Aid Projects Agreement No. 05-5086R and for State Funded Projects Agreement No. 00254S (Plans and Public Works 406-04)
Action: Adopted Resolution No. 09-74 and Resolution No. 09-075 C.S. (4-0-1, Sollecito absent)
- C8. Appropriating Additional Funding for the Presidio of Monterey Public Works Authority Fund (Plans and Public Works 406-04)
Action: Adopted Resolution No. 09-076 C.S. (4-0-1, Sollecito absent)
- C9. Accepting Planning Commission Work Program Accomplishments for Fiscal Year 2008-2009 and Work Program Goals for Fiscal Years 2009-2011 (Plans and Public Works 701-01) **Action: Adopted Resolution No. 09-077 C.S. (4-0-1, Sollecito absent)**
- C10. Amending the Schedule of Fees and Charges for the Planning, Engineering, and Environmental Compliance Division to Add New Fees for Tree Removal and View Trimming Permits (Plans and Public Works 407-06)
Action: Adopted Resolution No. 09-078 C.S. (3-1-1, Haferman voting no, Sollecito absent)
- C11. Amending Resolution 09-007 for Cementerio El Encinal Fees and Charges (Plans and Public Works 407-06)
Action: Adopted Resolution No.4 09-079 C.S. (4-0-1, Sollecito absent)
- C12. Resolution Repealing Section 9 of the Monterey Conference Center Operations Policy and Granting Authority for the City Manager or His Designee to Negotiate and Modify Fees/Policies for the Monterey Conference Center (Public Facilities 407-06)
Action: Removed from Consent; discussed; amended and adopted Resolution No. 09-080 C.S., authorizing the City Manager or his designee to negotiate contracts effective immediately, and retaining the Council subcommittee to consist of at least one Councilmember (4-0-1, Sollecito absent)

Public Facilities Director Anderson presented the staff report.

Councilmember Downey expressed concerns regarding costs for non-profits, and for the Friends of the Library. Councilmember Selfridge said that she is hearing from the hospitality community that they would prefer having a Council Subcommittee to assist with the Conference Center.

Mayor Della Sala opened public comment on the item. Renee Boscof, General Manager of Monterey Marriott spoke in support of the staff recommendation, saying that the Conference Center Manager needs to have flexibility. Jim Hekkers, Managing Director of the Monterey Bay Aquarium, spoke in support of the staff recommendation, saying that without the ability to quickly negotiate it would reduce the number of events that could be booked. Janine Chicourrat General Manager of the Portola Plaza, said that meeting planners are impatient, and it is important to be able to have this flexibility to quote something immediately. John Narigi, Monterey Plaza Hotel Manager, agreed with the previous speakers and supported the staff recommendation. Having no further requests to speak, Mayor Della Sala returned the discussion to the dais.

It was moved by Councilmember Downey, and seconded by Mayor Della Sala, to approve the staff recommendation, adopting Resolution No. 09-080 C.S., repealing Section 9 of the Monterey Conference Center operations policy.

Councilmember Downey said that this is important for the City of Monterey because timing is crucial. She said that she is not against a subcommittee in the long term, but now is not the time. Councilmember Selfridge said that she appreciates the public comments, but she thinks it is important to stick with the Council subcommittee. Councilmember Haferman said that he would not support the motion, and he believes that a Councilmembers should be a part of these decisions.

Councilmember Downey amended her motion to keep the subcommittee in place and allow the City Manager or designee to act on behalf of the subcommittee if time is of the essence and the seconder agreed to the amendment.

City Manager Meurer clarified that standing Council subcommittees are subject to the Brown Act. Councilmember Downey said that she is not trying to take over the day-to-day operations of the Conference Center, only big policy issues. Councilmember Haferman suggested having only one Councilmember on the subcommittee.

Councilmember Downey withdrew her amended motion and made a new motion to approve the staff recommendation and direct staff to return to the City Council with direction on the subcommittee issue. Mayor Della Sala seconded the motion.

Councilmember Selfridge voiced concerns regarding the Conference Center and said that she believes having a committee is important. City Manager Meurer said that he is available to meet with anyone who has complaints, but that he must know who is complaining and what the specific issues are. He said that general implications that there is some big issue around the Conference Center are not helpful.

The motion failed by the following vote:

AYES:	2	COUNCILMEMBERS: Downey, Della Sala
NOES:	2	COUNCILMEMBERS: Haferman, Selfridge
ABSENT:	1	COUNCILMEMBERS: Sollecito

Councilmember Selfridge moved to amend Resolution 09-080 C.S. authorizing the City Manager or his designee to negotiate contracts effective immediately, and maintaining the Council subcommittee comprised of at least one Councilmember, and Councilmember Haferman seconded the motion. The motion carried by the following vote:

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

Other

C13. Recommendations for Appointments to Architectural Review Committee, Colton Hall Museum / Cultural Arts Commission, Historic Preservation Commission, Planning Commission, and Parks and Recreation Commission (Council Subcommittee 701-06)
Action: Removed from Consent; discussed; appointments made (3-1-1, Downey voting no, Sollecito absent)

Councilmember Downey suggested reducing the size of the Boards and Commissions. She said that she would like to wait until the Council has reviewed the budget before making these appointments.

Councilmember Downey moved to table the item until after the budget, and Councilmember Selfridge seconded the motion.

Councilmember Haferman said that he and Councilmember Sollecito took many hours to interview these people, and the applicants also took their time to apply. He said that he did not hear from the applicants that seven members are too many. He suggested that having fewer meetings of the Commissions would help cut costs. Councilmember Downey said that now is the time to consider reducing the number of commission members before the appointments are made. Councilmember Selfridge said that she believes it is important to appoint these people now and look at the issue again during the budget. Mayor Della Sala said that streamlining the process to save money is important, but he would rather make these appointments and look at the matter over the next few months.

Councilmember Downey withdrew her motion.

On a motion by Councilmember Haferman, seconded by Councilmember Selfridge, and carried by the following vote, the City Council approved the Subcommittee recommendation, making appointments to the City Boards and Commissions:

AYES:	3	COUNCILMEMBERS:	Haferman, Selfridge, Della Sala
NOES:	1	COUNCILMEMBERS:	Downey
ABSENT:	1	COUNCILMEMBERS:	None Sollecito

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

PUBLIC COMMENTS

Mayor Della Sala opened the floor for Public Comments on items not on the agenda. Jerry Anderson, Sausalito Land Company offered his gratitude, and appreciation for City staff, and said that Julie Work Beck shares his belief that the City staff is excellent to work with. As president of OMBA he stated that has had the same experience. Having no further requests to speak, Mayor Della Sala closed Public Comments.

PUBLIC HEARINGS

1. Authorize Approval and Submittal of a Substantial Amendment to the Fiscal Year 2008/09 Action Plan for Use of Community Development Block Grant-Recovery (CDBG-R) Funds to the U.S. Department of Housing and Urban Development (Plan and Public Works 201-09)

Action: Adopted Resolution No. 09-081, C.S., authorizing a substantial amendment and authorized submittal of the amendment to HUD (4-0-1, Sollecito absent)

Property and Housing Manager Marvin presented the staff report. 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 Selfridge, and carried by the following vote, the City Council approved the staff recommendation, adopting Resolution No. 09-081, C.S.:

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

Mayor Della Sala called a recess at 5:36 p.m. noting that the Closed Session items would be heard at the end of tonight's Evening Session.

CLOSED SESSION

2. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6 – Agency Negotiators: Fred Cohn, Ralph Bailey, Mike McCarthy, Gina Russo, Kim Bui-Burton, Tim Shelby - Employee Organizations: GEM, MEA, MPA, PLMA (Human Resources 507-01)
Action: Continued to Evening Session
3. Conference with Legal Counsel Anticipated Litigation - One (1) case under Government Code §54956.9(c) Vapor Cleaners)(City Attorney 701-03)
Action: Continued to Evening

Mayor Della Sala reconvened the meeting at 7:00 p.m., noting that Councilmember Sollecito was absent due to illness.

ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements, as the closed session items had been continued to the end of the session.

CONTINUED PUBLIC COMMENTS

Mayor Della Sala opened the floor for Public Comments on items not on the agenda. John Greenwald, Colton Hall Museum/Cultural Arts Commission voiced concerns regarding the closing of the state parks/historic buildings throughout the City. He said the Colton Hall will be one of very few historic buildings left open, and he encouraged Council not to cut the hours of operation. John Ewald, Monterey resident, urged Council to continue to support First Night. Seeing no further requests to speak Mayor Della Sala closed public comment.

PUBLIC HEARINGS

4. Consider Adopting Resolution Levying the Annual Assessment for
- (a) Cannery Row Business Improvement District
 - (b) New Monterey Business Improvement District
 - (c) North Fremont Business Improvement District
 - (d) Old Monterey Business Improvement District
- (Plans and Public Works 407-08)

Action: Adopted Resolution No. 09-082 C.S.; Resolution No. 09-083 C.S.; Resolution No. 09-084 C.S.; and Resolution No. 09-085 C.S. (4-0-1, Sollecito absent)

Associate Planner Wooten presented the staff report. Mayor Della Sala opened the Public Hearing, and having no requests to speak, closed the hearing.

On a motion by Councilmember Haferman, seconded by Councilmember Downey, and carried by the following vote, the City Council approved staff recommendation, adopting the four resolutions attached to the staff report:

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

5. Consider Planning Commission Recommendation to Adopted Resolution Amending the City of Monterey General Plan Map #14 Showing Fire Hazard Severity Zones and Adopted Ordinance Amending Monterey City Code Chapter 13 Fire Protection (Negative Declaration) (Plans and Public Works 203-03)

Action: Certified the Negative Declaration; adopted Resolution No. 09-086 C.S.; and passed an Ordinance to print (4-0-1, Sollecito absent)

Principal Planner Cole presented the staff report. Mayor Della Sala opened the Public Hearing. Bob Oliver voiced concerns regarding this law's potential infringement on individual property owners' rights.

On a motion by Mayor Della Sala, seconded by Councilmember Haferman, (?201) and carried by the following vote, the City Council approved the staff recommendation, certifying the Negative Declaration, adopting Resolution No. 09-086 C.S., and passed the Ordinance to print:

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

PUBLIC APPEARANCE

6. Adoption of 2009-10 Operating Budget
- (a) Operating Budget (Finance 406-03)
Action: Received staff report; took public comment; discussed
 - (b) Resolution Authorizing Agreement with the Monterey County Convention and Visitors Bureau for Support Services (Public Facilities 405-04)
Action: Adopted Resolution No. 09-087 C.S. (3-0-1-1, Sollecito absent, Della Sala not participating)
 - (c) Resolution to Support a Contract with the State Parks Department for Seasonal Lifeguard Services on Del Monte Beach (Public Facilities 405-04)
Action: Adopted Resolution No. 09-088 C.S. (4-0-1, Sollecito absent)

City Manager Meurer introduced the item, and Finance Director Rhoads presented the staff report.

Mayor Della Sala opened public comment on the item. Bob Oliver spoke in support of maintaining Library hours and Recreation programs, and suggested that it be funded using NIP funds. Dennis McCarthy, Parks and Recreation Commissioner, noted that staff and the Council has exhibited care and professionalism during the process. He voiced concerns regarding impacts of reductions to youth programs, and supported maintaining the Sports Center subsidy and capital improvements. Suzanne Mendez-Herbst, Parks and Recreation Commissioner, voiced concerns regarding reductions in the Recreation and Community Services budget and the resulting loss of services.

Alice Yamanishi, Library Board Chair, said that the Board takes the reductions very seriously and has voted to raise fees to lessen the impacts. Jeff Landsman, Colton Hall employee, voiced concerns regarding cuts to the Museum Division of the Library. Greg Robinson, Executive Director of the Monterey County Film Commission, asked Council to continue funding the Film Commission. Paulette Lynch, Monterey Resident and Executive Director for the Arts Council, spoke in support of funding First Night Monterey, and organization which she helped institute. Bruce Netta, Monterey resident, voiced concern and confusion regard the amount of cuts to Library programs relative to other City Departments. He suggested implementing fees to keep the inter-library loan program in place. He said that he and his wife continue to be impressed by staff.

Leonard Hahn, CSUMB faculty member, spoke in support of funding First Night. Susan Britton spoke in favor of support of First Night through an in-kind contribution by the City of Monterey. Andrew Gilihoulie, Performing Arts Chair for First Night, encouraged continued City support of the First Night event. Ellen Martin, Executive Director of First Night thanked the Council for their past support and asked them to consider only in-kind support this year. Ryan Flegle supported funding the Golden State Theater, saying that this is an investment that helps create additional TOT tax and assists local non-profits. Seeing no further requests to speak Mayor Della Sala closed public comment.

Mayor Della Sala noted that the City Council would take this matter up on Wednesday, June 24.

Council recessed at 9:25 p.m., then reconvened at 9:35 p.m. Mayor Della Sala recused himself from hearing item 6b due to a potential conflict of interest, handed the gavel to Vice Mayor Selfridge, and left the Chamber.

Public Facilities Director Anderson presented the staff report regarding Item 6b, the MCCVB agreement. On question, City Manager Meurer clarified that pooling marketing resources with the private sector gives the best return. On question, Steve Wiley, President of MCCVB, reported that this year they would do about 40,000 room nights in sales.

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

It was moved by Councilmember Downey to approve the staff recommendation and adopt Resolution 09-087 C.S.:

Councilmember Haferman suggested that Council table this item and the next until the budget is adopted. Councilmember Downey said that it is imperative to take this action.

Councilmember Haferman seconded the motion. The motion carried by the following vote:

AYES:	3	COUNCILMEMBERS: Downey, Haferman, Selfridge,
NOES:	0	COUNCILMEMBERS: None
ABSENT:	1	COUNCILMEMBERS: Sollecito
ABSTAIN:	1	COUNCILMEMBERS: Della Sala

Mayor Della Sala returned to the dais and Vice Mayor Selfridge returned the gavel.

Public Facilities Director Anderson presented the staff report on Item 6c, State Lifeguard services. Mayor Della Sala opened Public Comment, and having no requests to speak, returned the discussion to the City Council.

On a motion by Councilmember Downey, seconded by Councilmember Selfridge, and carried by the following vote, the City Council approved the staff recommendation, adopting Resolution No. 09-088 C.S.:

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

OTHER BUSINESS

7. Short Term Rentals for the 2010 U.S. Open Golf Championship (City Attorney 203-07)
Action: Report received with no further action to be taken (4-0-1, Sollecito absent)

City Attorney Mall presented the staff report. Councilmember Haferman said the staff report provides an excellent analysis and reveals that this would not be a viable program to raise revenue.

Mayor Della Sala opened public comment. Bob Oliver asked about the process if someone violated the zoning ordinance

On a motion by Councilmember Haferman, seconded by Mayor Della Sala, and carried by the following vote, the City Council accepted the report and decided to move no further on this matter:

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

COUNCIL COMMENTS

Councilmember Downey said she was happy with the idea of eliminating overtime to reduce the budget. She asked how much individual "Non-departmental Budget" items cost. She asked how much it would cost to give the Panetta Lecture series only the use of the facility, but charge for hard dollar costs. Ms. Downey voiced concerns regarding cuts to youth programs. She suggested charging fees for some Library services to keep them in tact. She said that she does not want to raise the fees for the Sports Center any further and suggested additional contracts with other employers. Councilmember Downey reported on the Police Department Awards Barbeque.

Councilmember Selfridge asked how much would be saved if staff took an across-the-board one percent salary cut. She displayed a gift to the City of Monterey from Azerbaijan, a model of one of their locally hand-woven rugs.

Mayor Della Sala said that he was asked by a constituent how the French Glass project obtained their water credits. Chief of Planning and Engineering Rerig explained that all of the water credits for that building were available on site, and no additional water was allocated by the City. Mayor Della Sala asked that any members of the Council who want to add money back into the budget have proposals in mind to fund those additions.

CITY MANAGER REPORTS

City Manager Meurer stated that the Council Retreat has been rescheduled to June 29, at 1:00 – 5:00 p.m. at the Conference Center. He said that staff is reviewing the possibility of canceling the first meeting in August.

Mayor Della Sala adjourned the meeting to Closed Session at 10:17 p.m.

CLOSED SESSION

- 2. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6 – Agency Negotiators: Fred Cohn, Ralph Bailey, Mike McCarthy, Gina Russo, Kim Bui-Burton, Tim Shelby - Employee Organizations: GEM, MEA, MPA, PLMA (Human Resources 507-01)
Action: Continued to Evening Session; no action taken
- 3. Conference with Legal Counsel Anticipated Litigation - One (1) case under Government Code §54956.9(c) Vapor Cleaners)(City Attorney 701-03)
Action: Continued to Evening Session; on a roll call vote the City Council gave confidential direction to their negotiators (4-0-1, Sollecito absent)

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 10:45 p.m.

Respectfully Submitted,

Approved,

_____/s/_____
Bonnie Gawf
Information Resources Director/City Clerk

_____/s/_____
Chuck Della Sala
Mayor