

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MONTEREY
TUESDAY, July 7, 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, Sollecito, Mayor Delta Sala

Absent: None

City Staff:

Present: City Manager, Assistant City Attorney, Information Resources Director/City Clerk, Assistant City Manager, Assistant Fire Chief, Deputy Police Chief, Deputy City Manager Plans & Public Works, Finance Director, Public Facilities Director, Recreation and Community Services Director, Human Resources Director, Assistant Director Plans & Public Works, Library Director, Property & Housing Manager, Chief of Plans & Engineering, City Engineer, Principal Engineer, Principal Planner

Mayor Della Sala recognized Human Resources Director Ralph Bailey who is retiring on July 17, 2009, and Mr. Bailey made brief comments.

CONSENT ITEMS

City Manager Meurer asked the Council to table Item C2 and noted that a Councilmember asked to remove Item C6 for discussion. Councilmember Downey asked to remove Item C8 from Consent, and requested corrections to the Minutes on pages 2 and 6. With reference to page 2 corrections, she said that she understood that provisions had been negotiated with the represented groups, and only spoke to reducing the leave balance from Executive Managers. On page 6, she said that she gave an update on the Safeway store building on Fremont, and did not ask for one. She said that the water initiatives were approved by the Board of Supervisors, not the Coastal Commission.

Councilmember Haferman asked to correct the June 24 Minutes on pages 3 and 5. He clarified that on Item 1, in the paragraph just above the motion, should read that "he voted against the proposed terms in the past." He requested to add the words "help close" to his comments regarding the employees' "concessions, contributing \$890,000 to help close the shortfall."

Councilmember Selfridge said that she did not want to pull Item C6, and asked why the project went over budget. Principal Engineer McMinn explained the change in scope due to the inability to ascertain the extent of the damage before getting into the project.

On a motion by Councilmember Downey, seconded by Councilmember Selfridge, and carried by the following vote, the City Council approved the Consent Agenda, except Items C2 and C8, which were removed for discussion, and amending Item C1 as appropriate:

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

Approval of Minutes

- C1. June 24, 2009 (City Clerk 701-09)
Action: Amended and approved

Award of Contracts

- C2. Award of Contract to Peterson Dean, inc. dba Peterson Dean Roofing and Solar Systems for Solar Panel Installation: Administrative Services Center (Plans and Public Works 405-04) **Action: Tabled**

On a motion by Councilmember Downey, seconded by Councilmember Selfridge and carried by the following vote, the City Council tabled this item:

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

Ordinances

- C3. First Reading - Amending Monterey City Code Section 25-10.2 -- Duration of Probationary Period (Police 502-01)
Action: Passed Ordinance to Print

Resolutions

- C4. Authorizing the Appropriation of Funds for the Presidio of Monterey Public Works Authority Fund (Plans and Public Works 406-04)
Action: Adopted Resolution No. 09-095 C.S.
- C5. Rejecting All Bids for the Interior and Exterior Lighting Retrofit: Monterey Conference Center and Authorizing Staff to Secure Services on the Open Market by Direct Negotiations (Plans and Public Works 405-05)
Action: Adopted Resolution No. 09-096 C.S.
- C6. Amending Resolution No. 07-015 C.S Revising Scope of Work for the Marina Fire Water System Replacement Project ***CIP*** (Plans and Public Works 807-02)
Action: Adopted Resolution No. 09-097 C.S
- C7. Approving the Purchase and Transfer and Appropriation of Funds for One 1-ton Pick-up Truck for the Fire Department and One Chipper for the Urban Forestry Division (Plans and Public Works 81 2-02)
Action: Adopted Resolution No. 09-098 C.S. (Appropriation) and Resolution No. 09-099 C.S. (Purchase)
- C8. Authorizing the Housing and Property Management Office to Apply for Neighborhood Stabilization Program 2 Grant Funds Through a Consortium Application Led by the Development Corporation of the Housing Authority of the County of Monterey and Enter a Memorandum of Agreement for the Purpose of Gaining Funds to Assist in the Completion of the Monterey Hotel and Resolution of the Mahara Condominium Project Default (Plans and Public Works 201-09)
Action: Removed from consent; discussed; Adopted Resolution No. 09-100 C.S.

Housing and Property Manager Marvin presented the staff report.

Mayor Della Sala opened public comments on the item. Ron Chesshire supported moving forward with the item as soon as possible, and voiced concerns regarding the payment of prevailing wages under State law and meeting Davis-Bacon requirements. Chris Fitz, Local 483 agreed with the previous speaker, and said that if public dollars are involved in a project we must make sure that it provides quality jobs. With no further requests to speak, Mayor Della Sala closed public comment.

City Manager Meurer clarified the City's policies and procedures regarding prevailing wages.

On a motion by Councilmember Sollecito, seconded by Councilmember Downey, and carried by the following vote, the City Council approved the staff recommendation, adopting Resolution No. 09-100 C.S.:

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

Other

- C9. Approving Cherry's Jubilee Request to Close Streets and use of City Properties for an Event on September 24, 25 and 26, 2009 (Recreation 302-04)
Action: Approved

End of Consent Agenda

PUBLIC COMMENTS

Mayor Della Sala opened the floor for Public Comments on items not on the agenda. Robert Scoles, volunteer for various non-profit groups, made suggestions on how to alleviate the litter problem. He asked to agendize the matter for discussion and action. Having no further requests to speak, Mayor Della Sala closed Public Comments.

On request by the City Manager, Assistant Public Works Director Uslar introduced five German interns currently working in the City.

PUBLIC HEARINGS

- 1. Public Hearing and Adopt Resolution Confirming Area and Assessment in Engineer's Report - Alvarado Street Maintenance District 85-1 (Plans and Public Works 407-08)
Action: Held Public Hearing; adopted Resolution No. 09-101 C.S.

City Engineer Reeves 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 Sollecito, and carried by the following vote, the City Council approved the staff recommendation, adopting Resolution No. 09-101 C.S.:

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

2. Public Hearing and Adopt Resolution Confirming Area and Assessment in Engineer's Report - Calle Principal Maintenance District 00-1 (Plans and Public Works 407-08)
Action: Held Public Hearing; adopted Resolution No. 09-102 C.S.

City Engineer Reeves 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 Sollecito, seconded by Councilmember Haferman, and carried by the following vote, the City Council approved the staff recommendation, adopting Resolution No. 09-102 C.S.:

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

PUBLIC APPEARANCE

3. Authorizing an Amendment to the Monterey Bay Boat Works Company Master Lease Ground Lease at 32 Cannery Row to Allow Sailing Activity Center and Sail Boat Charter Uses as Permissive Uses (Plans and Public Works 206-03)
Action: Adopted Resolution No. 09-103 C~S.

Property & Housing Manager Marvin presented the staff report.

Mayor Della Sala opened public comment. Bob Oliver asked what the procedure was for the applicant to go before the Coastal Commission and why the matter had to go before them. Mr. Marvin explained the process. Seeing no further requests to speak Mayor Della Sala closed public comment.

On a motion by Councilmember Downey, seconded by Councilmember Sollecito, and carried by the following vote, the City Council approved the staff recommendation, adopting Resolution No. 09-103 C.S.:

AYES:	5	COUNCILMEMBER5:	Downey, Haferman, Selfridge, Sollecito, Della Sala
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None

Mayor Della Sala called a recess at 4:50 p.m. and then reconvened the meeting at 7:00 p.m., where all Councilmembers were present.

Mayor Della Sala announced that Deputy City Manager Plans & Public Works Bill Reichmuth is retiring on July 17, and thanked him for his years of service. Mr. Reichmuth thanked the Council and made brief comments.

CONTINUED PUBLIC COMMENTS

Mayor Della Sala opened the floor for Public Comments on items not on the agenda. Bob Oliver said that the Peace & Justice League would sponsor a lecture regarding cell towers and cell phone usage. He voiced concerns regarding public schools, said that people can see space craft, and he asked Council not to be in denial. John Narigi, General Manager of Monterey Plaza Hotel, said that the decision to discontinue the fireworks was an economic mistake because no hotels were sold out over the weekend, and restaurant volume was down significantly. Mayor Della Sala clarified that the full cost of the fireworks would have been over \$100,000, and safety was a factor in the decision.

Richard Ruccello agreed with the previous speaker. He said that this was the first time in years that there was no fog on the Fourth. He thanked Council for funding the CERT program and voiced concern regarding the batteries in the CERT radios. Assistant City Manager Cohn said that the CERT radios would be fixed shortly. Sue Morely, representing Esselen Nation, said that the tribal council would like to enter into consultation regarding the update to the General Plan. Seeing no further requests to speak Mayor Della Sala closed public comment.

PUBLIC HEARINGS

4. Consider Planning Commission Recommendation to Adopt a Resolution Adopting a Negative Declaration and a Resolution Amending the City of Monterey General Plan to Incorporate the 2009-2014 Housing Element (Plans and Public Works 204.03)
Action: Adopted Resolution No. 09-104 C.S. (Neg Dec) and Resolution No. 09-105 C.S. (General Plan Amendment)

Principal Planner Caraker presented the staff report.

Mayor Della Sala opened the Public Hearing. Sharon Dwight, former General Plan Update Committee member, said that visioning needs to be conducted to address concerns. She supported including a statement in the Housing Element about water constraints. Having no further requests to speak, Mayor Della Sala closed the hearing.

On a motion by Councilmember Sollecito, seconded by Councilmember Downey, and carried by the following vote, the City Council approved the staff recommendation, adopting Resolution No. 09-104 C.S. certifying the Negative Declaration and Resolution No. 09-105, CS. amending the General Plan:

AYES:	5	COUNCILMEMBERS:	Downey, Haferman, Selfridge, Sollecito, Della Sala
NOES:	0	COUNCILMEMBER5:	None
ABSENT:	0	COUNCILMEMBERS	None

PUBLIC APPEARANCE

5. Consideration of Supplemental Operating Budget Items for Fiscal Year 2009/10 (Finance 406-04)
Action: Amended and adopted Resolution No. 09-106 C.S, approving \$108,333 to restore Library hours and \$15,500 for additional open hours at the Colton Hall Museum funded out of the NIP fund (5-0); \$23,500 for First Night out of NIP funds (4-0-1; Downey abstaining); \$8,250 for the Film Commission from the ending balance (5-0); \$4,000 for the Colton Hall Acoustic Music series from the NIP fund (5-0); and directed staff to return with a recommendation for funding the Golden State Theater and the Fourth of July celebration at the next meeting (5-0)

City Manager Meurer introduced the item, noting that Finance Director Rhoads would be receiving an award for excellence in budgeting. Finance Director Rhoads presented the staff report.

Mayor Della Sala opened the floor for public comment. Dan Albert supported funding for First Night by not charging them for City services, and continuing the three-way partnership with Golden State Theater. Rick Heuer, NIP Spokesperson, stated that the NIP motion was to set aside funds to save jobs and save City services. Barbara Bass Evans read a letter to the editor she wrote regarding the budget in 2006. She suggested using zero-based budgeting methods to produce next year's budget and hiring a consultant to help with this process. Bob Oliver asked Council to prioritize their cuts, and stated that the Library hours should be expanded at this time. He suggested cutting salaries for employees and using the entire NIP budget.

Amanda Holder, past First Night President, supported funding First Night. Paulette Lynch, Executive Director of the Arts Council, supported funding for First Night. Rick Johnson, Executive Director of OMBA, read a letter into the record supporting the Golden State Theater. Bonnie Surbin spoke in support of funding First Night. Linda Castillo, small business owner, supported funding the Golden State Theater. Pat Finch, resident and downtown business owner, supported funding the State Theater. Jill Verhauk, resident, spoke in favor of funding First Night. Warren Dewey, Golden State Theater owner, asked the Council to continue the partnership with his business.

Alice Yamanishi, Library Chair, thanked the Council for restoring the History Room and youth program. She said that the Board recommends restoring Sunday hours. On question, Kim Bui Burton explained some concerns regarding keeping Sunday hours with a reduced staff. She said that interlibrary loans will be suspended as of July 15 due to a retirement. Councilmember Haferman explained that the Library Board has outlined in a letter the cost to restore Sunday hours

Darrell Allen voiced concerns regarding the California State budget. He urged Council to explore and study the situation. He asked Council to resist the New World Order, socialism and fascism. Sandy Solitario, Colton Hall Museum/Cultural Arts Commissioner, asked the Council to fund the Museum programs. John Greenwald, CHM/CA Commissioner, supported added funding for the Museum. Sharon Dwight said that the justification for funding First Night, State Theater, Fourth of July, Colton Hall Museum, and the Film Commission is that they drive the economic engine. Judy Karas spoke in support of funding Sunday Library hours and First Night Monterey. John Narigi, Monterey Plaza Hotel, supported funding any programs or events that produce revenues and tourism. He said that he hopes that Council brings back the fireworks next year. Seeing no further requests to speak Mayor Della Sala closed public comment. He called a recess at 9:05, and then reconvened the meeting at 9:18 p.m.

Councilmember Sollecito said that Council and staff are acting based on public input. Councilmember Downey voiced her discomfort regarding voting on anything that relies on NIP money until she hears from the NIP Committee. She and Councilmember Selfridge requested to consider each item separately. Councilmember Haferman said that he was moved by all of the speakers.

Councilmember Selfridge moved to restore Library hours in the amount of \$108,333, Colton Hall Museum open hours at \$15,500, and the Colton Hall Music & Art Series in the amount of \$10,000 out of NIP funds, and Councilmember Downey seconded the motion.

On question, Library Director Bui-Burton explained that it would take an additional \$15,800 to restore ten hours to Cultural Arts Assistant position.

Councilmember Selfridge amended her motion to include \$108,333 to restore Library hours and \$15,500 for additional open hours at the Colton Hall Museum, funded out of the NIP fund, and the seconder agreed to the amendment. The motion carried by the following vote:

AYES:	5	COUNCILMEMBER5: Downey, Haferman, Selfridge, Sollecito, Della Sala
NOES:	0	COUNCILMEMBER5: None
ABSENT:	0	COUNCILMEMBER5: None

Mayor Della Sala moved to fund \$23,500 for First Night out of NIP funds and Councilmember Sollecito seconded the motion. The motion carried by the following vote:

AYES:	4	COUNCILMEMBERS: Haferman, Selfridge, Sollecito, Della Sala
NOES:	0	COUNCILMEMBER5: None
ABSENT:	0	COUNCILMEMBERS: None
ABSTAIN:	1	COUNCILMEMBERS: Downey

Mayor Della Sala suggested funding \$50,000 for the State Theater, with the understanding that the matter would be brought back during the mid-year budget review and discussion ensued.

Councilmember Haferman moved to fund the Film Commission in the amount of \$8,250 and the Colton Hall Acoustic Music series at \$4,000 from the ending balance, and Councilmember Sollecito seconded the motion.

After further discussion, Councilmember Haferman amended the motion to fund \$8,250 for the Film Commission from the ending balance, Councilmember Sollecito agreed to the amendment, and it carried by the following vote:

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

Councilmember Haferman moved, and Councilmember Sollecito seconded, funding \$4,000 for the Colton Hall Acoustic Music series from the NIP.

Councilmember Selfridge asked the motion maker to amend the motion to fund a total of \$10,000, and Councilmember Haferman declined.

The motion carried by the following vote:

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

Councilmember Selfridge moved to fund an additional \$6,000 for Art openings at the Conference Center, and the motion died for lack of a second.

On question, Museum and Cultural Arts Manager Conway clarified that it would cost more than \$6,000 to fund the art program.

Councilmember Downey moved to direct staff to return with a recommendation for funding the Golden State Theater and the Fourth of July celebration at the next meeting, and Councilmember Sollecito seconded the motion. The motion carried by the following vote:

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

Assistant City Attorney Davi asked for clarification and Council confirmed that their findings for the motions to use NIP funds are as follows: the expenses have a governmental purpose, support a customary or usual City service, are appropriate and helpful in developing and maintaining City services, and are regular, usual, common, and often recurring for the City.

6. Resolutions Adopting the Neighborhood Improvement Program (NIP) and Capital Improvement Program (CIP) for FY 2009/2010 (Public Works 807-02, 808-02)
Action: Adopted amended Resolution No. 09-107 C.S. (NIP) and Resolution No. 09-108 C.S. (CIP) (3-2; Haferman, Selfridge voting no)

Deputy City Manager Reichmuth presented the staff report. He recommended acceptance of the entire list of NIP recommended projects, except number 19, noting that those expenses are the property owners' responsibility.

Mayor Della Sala opened public comment. Rick Heuer, NIP Spokesperson, noted that the NIP has supported many sewer and street projects. He pointed out errors in the report, including the missing \$75,000 for program administration from the project list. He said that people who had sidewalks installed by the NIP were not told that they would be responsible for the repairs. Richard Ruccello, Casanova Oak Knoll Neighborhood Association President, said that sidewalks provide access to the community, so are not an enhancement to the property. He supported approval of item number 19, sidewalk repairs. Sharon Dwight, NIP Committee Member and New Monterey Neighborhood Association Board Member, said that she informed the Pacific Grove City Council regarding the reservoir project. She supported allowing the NIP to maintain sidewalks that they had installed. She voiced concerns regarding repair of the Sloat monument, which is not funded. She said that the \$75,000 administrative fee has to be included in the list. Seeing no further requests to speak, Mayor Della Sala closed public comment.

It was moved by Councilmember Downey, and seconded by Councilmember Sollecito, to approve the staff recommendation and adopt Resolution 09-107 C.S. approving the NIP program except Project 19; approve the CIP program by adopting Resolution No. 09-1 08 CS.; recognize insufficient investment in facilities; and to direct staff to return with a multi-year investment plan:

Councilmember Haferman said he would not support the motion because he believes the sidewalk repair should be funded. Assistant City Attorney Davi clarified that when the City Code provision is read in conjunction with the State Constitution, repairing the sidewalks might be a gift of public funds.

The motion carried by the following vote:

AYES:	3	COUNCILMEMBER5: Downey, Sollecito, Della Sala
NOES:	2	COUNCILMEMBERS: Haferman, Selfridge
ABSENT:	0	COUNCILMEMBER5: None

COUNCIL COMMENTS

Councilmember Sollecito said that the Monterey Carmel area was voted the most friendly tourist destination and the most paranormal destination in the United States.

Councilmember Downey asked about the status of developing a pet-friendly beach. She asked the Deputy Chief how the rank and file would feel about elimination of the Canine program. Deputy Chief Penko said that while the program is a good tool, it is not essential, and he has not heard the topic discussed by the rank and file. Councilmember Downey said that the City of Monterey has a litter task force and she appreciated the gentleman who voiced his concerns earlier in the meeting. She said Happy Birthday to Wayne Downey.

Councilmember Sollecito said he would bring the issue about litter to the next Cannery Row meeting. He reported that a team of athletes from Monterey ran in a recent charity event.

Councilmember Selfridge announced that Martin Yan would give a presentation to raise money for the Library. She reminded people about the free movies being show at the Golden State Theater. She thanked staff for the great Fourth of July event.

Councilmember Haferman asked about the July study session date, which was confirmed to be July 29. He submitted a document to the City Clerk regarding some groups that are proposing an alternative Hybrid Regional water Plan. Councilmember Downey said that Mr. Perkins of the Farm Bureau and a representative from Land Watch spoke at a recent meeting and supported the originally proposed water project.

7. Request to Agendize Consideration of Fisherman's Wharf Association Request for a Free Parking Program (Haferman 901-06)

Action: Agendized

On a motion by Councilmember Haferman, seconded by Councilmember Selfridge, and carried by the following vote, the City Council agendized the matter for consideration:

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

CITY MANAGER REPORTS

City Manager Meurer reported on the Fourth of July events, saying that they went extraordinarily well. Mayor Della Sala noted that Monterey received worldwide coverage on the MotoGP.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Della Sala adjourned the meeting at 11:33 p.m.

Respectfully Submitted,

Approved,

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

_____/s/_____
Chuck Della Sala
Mayor