

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MONTEREY
TUESDAY, July 21, 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 Della Sala
Absent: None

City Staff:

Present: City Manager, City Attorney, Information Resources Director/City Clerk, Fire Chief, Police Chief, Finance Director, Public Facilities Director, Recreation and Community Services Director, Human Resources Director, Library Director, Assistant Public Works Director

PRESENTATIONS

§P1. Recognition of 2008 Police Department Employees of the Year (Police 701-17)
Action: Recognition given

§P2. Recognition of 2009 Plans & Public Works Department Employees of the Year (Plans and Public Works 701-17)
Action: Recognition given

CONSENT ITEMS

Councilmember Haferman recused himself from voting on Item C7 due to a potential conflict of interest.

On a motion by Councilmember Sollecito, seconded by Councilmember Downey, and carried by the following vote, the City Council approved the Consent Agenda, with Councilmember Haferman not participating in the vote on Item C7:

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

Award of Contracts

C1. 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)
Tabled on 7/07/09.
Action: Adopted Resolution No. 09-109 C.S.

Ordinances

C2. Second Reading - Amending Monterey City Code Section 25-10.2 – to Extend the Probationary Period for Sworn Police Employees (Human Resources 502-01)
Action: Adopted Ordinance No. 3435

Resolutions

- C3. Resolution Certifying Compliance with State Law with respect to Levying Assessments and Special Taxes (Finance 704-04)
Action: Adopted Resolution No. 09-110 C.S.
- C4. Authorization for Participation in the Annual Edward Byrne Memorial Justice Assistance Grant (JAG) Joint Grant Application and Authorization for the City Manager to Sign the Requisite Memorandum of Understanding (JAG) (Police 409-02)
Action: Adopted Resolution No. 09-111 C.S.
- C5. Authorizing Agreement with Caltrans for Program Supplement Agreement No. N017 (Plan and Public Works 405-04)
Action: Adopted Resolution No. 09-112 C.S.
- C6. Amending Resolution 09-094 Amending the Position Control List by Deleting an Assistant Electrician Position and Adding an Electrician to the General Services Division - Presidio Operations (Plan and Public Works 502-03)
Action: Adopted Resolution No. 09-113 C.S.
- C7. Authorizing and Appropriating funds for the I-NET Monterey Network Equipment Replacement (Information Resources 406-04)
Action: Adopted Resolution No. 09-114 C.S. and Resolution No. 09-115 C.S. (4-0-0-1; Haferman not participating due to a potential conflict of interest)
- C8. Resolution Amending the City of Monterey's Full-time Salary Schedule by Establishing the Salary for New Classifications Approved in 2009/2010 Budget (Human Resources 502-03)
Action: Adopted Resolution No. 09-116 C.S.

Other

- C9. Settlement of Workers' Compensation Claim - E. Zirkel (Human Resources 402-04)
Action: Approved
- C10. Request from the Fisherman's Wharf Association to Modify the Subsidized Locals Parking Program in the Waterfront Attendant Parking Lot (Public Facilities 901-06)
Action: Approved

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, closed Public Comments.

Mayor Della Sala opened the floor for public comments on Closed Session items. Joanne Hoffler thanked Assistant City Attorney Davi for representing the City in the Parcel B litigation. She asked why the City has to build a fence for two families and reroute the trail as a result of the settlement agreement. City Attorney Mall clarified that the Judge decided that the families would have to pay for their own fence and that it could be built on Parcel B.

Mayor Della Sala adjourned the meeting to a closed session at 4:27 p.m.

CLOSED SESSION

1. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6 – Agency Negotiators: Fred Cohn, Mike McCarthy, Gina Russo- Employee Organization: GEM (Human Resources 507-02)
Action: On three separate roll call votes, the City Council gave confidential direction to their negotiator. (The vote on two motions was unanimous, and the vote on one motion was 4-1; Selfridge voting no)

2. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6 – Fred Cohn, Mike McCarthy - Employee Organization: Executive Management (Human Resources 507-08)
Action: On a unanimous roll call vote, the City Council gave confidential direction to their negotiators

3. City Attorney Mid Year Litigation Report, Conference with Legal Counsel (City Attorney-703-06)
 - A.) Existing Litigation Pursuant to Government Code §54956.9(a)
 1. California Shock Trauma Air Rescue v. City of Monterey - 9th Cir. Federal Court
 2. City of Monterey v. Rose Ann and Gaspare Aliotti
 3. City of Monterey v. Steven D. Gordon - Santa Clara Superior Court
 4. Fisherman's Wharf Association v. City of Monterey
 5. Troutman v. City of Monterey
 6. Cleveland v. City of Monterey
 7. Green Valley Corporation dba Barry Swenson v. City of Monterey
 8. Henness v. City of Monterey
 9. Hafenstein v. City of Monterey
 10. In re: Matter of Oler Family Trust dated October 3, 1991
 11. Giammanco et al v. City of Monterey et al
 12. McMahan v. City of Monterey - 9th Circuit Federal Court
 13. McMahan v. City of Monterey - Sixth District Court of Appeals
 14. McMahan v. City of Monterey - Monterey County Superior Court
Action: Received and discussed reports, with Councilmember Selfridge not participating on Items A11 through A14, and Councilmember Haferman not participating on Items A12 through A14, authorized the City Manager to sign an agreement that allows public access over all of Parcel B (4-0-1; Selfridge not participating); and continued the discussion of some items to the evening session.

Mayor Della Sala called a recess at 5:41 p.m. and then reconvened the meeting in open session at 7:00 p.m., where all Councilmembers were present.

ANNOUNCEMENTS FROM CLOSED SESSION

The Mayor noted that the closed session discussion on Item 3 would be continued after tonight's evening session, and announcements would be made after its conclusion. Information Resources Director/City Clerk Gawf made the announcements regarding Items 1 and 2 as noted above.

CONTINUED PUBLIC COMMENTS

Mayor Della Sala opened the floor for Public Comments on items not on the agenda. Tony Tollner, Montrio Bistro, spoke regarding the Monterey Hotel expansion project, noting that it has been stalled for several months. He said that the deteriorating façade and blocked sidewalk is dampening business in the downtown, and he urged the Council to get the project back on track. Mayor Della Sala explained that the City is working with the lender and owner to address the issues. Seeing no further requests to speak Mayor Della Sala closed public comment.

PUBLIC APPEARANCE

4. Supplemental Operating Budget Items for Fiscal Year 2009/10
 - a. Consideration of Funding for Golden State Theater Cultural Arts Program
(Finance 406-04)
Action: Adopted Resolution No. 09-117 C.S.

City Manager Meurer introduced the items, and gave a brief update on the State Legislators' most recent actions regarding the State budget. Finance Director Rhoads presented additional details. Property & Housing Manager Marvin presented a proposal for funding the Golden State Theater Cultural Arts Program.

Mayor Della Sala opened public comment. Rick Johnson, Old Monterey Business Association, noted that he has submitted two letters for the record. He spoke in support of extending the City's contract with the Golden State Theater. Ron Weitzman, representing two non-profit organizations that use the theater, spoke in support of continued funding. Jerry Pettis, Plume's, spoke in support of funding the theater. Petros Mungridis, Epsilon Restaurant owner, agreed with the previous speakers, supporting the State Theater. Tony Tollner, Montrio Bistro, supported funding the State Theater. Susan Anderson, Futons and Such, spoke in support of funding the State Theater. Dan Albert supported funding the Golden State Theater Cultural Arts Program and thanked Warren Dewey for his work. On the Mayor's request, Warren Dewey explained that he loves his work and asked the Council to continue funding the Cultural Arts Program at his theater. With no further requests to speak Mayor Della Sala closed public comment.

It was moved by Councilmember Sollecito, to approve the staff recommendation, adopting Resolution No. 09-117 C.S., appropriating \$100,000 to fund the cultural arts program at the Golden State Theater and deappropriating seven CIP projects totaling \$226,129.

Councilmember Downey said that she would second the motion if a requirement for a financial statement from Warren Dewey were added, along with a requirement to work with the OMBA. Councilmember Sollecito agreed to amend the motion to include only the financial statement requirement, clarifying that approval of the financial statement is not required in order to obtain the grant, rather the grant is in support of the non-profit groups and cultural arts. The seconder agreed. The motion carried by the following vote:

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

- b. Budget Consideration – 2010 Fourth of July Events (Recreation 406-04)
Action: Approved the lawn party for July 4, 2010 in the amount of \$65,389, without a parade or fireworks display (4-1, Downey voting no)

Recreation and Community Services Director Russo presented the staff report.

Mayor Della Sala opened public comment on the item. Marcia Hardy said that she heard from many people in her neighborhood how nice it was to have a relaxing Independence Day without the traffic. Having no further requests to speak, Mayor Della Sala closed public comment.

Councilmember Haferman said that he is comfortable with the staff recommendation to offer the lawn party only, funded in the amount of \$65,389. Councilmember Downey said that she would like to delay a decision until the City hears the dates of the Red Bull event. Councilmember Selfridge said that she heard from business associations that they would have liked to have fireworks this year. She asked to delay the decision. Mayor Della Sala said that he would

support the lawn party, and he would have difficulty spending \$220,000 for fireworks during this budget climate. Councilmember Sollecito agreed, and said that the parade and fireworks could always be considered at a later date.

On a motion by Mayor Della Sala, seconded by Councilmember Haferman, and carried by the following vote, the City Council approved the lawn party for July 10, 2010 in the amount of \$65,389, without a parade or fireworks display:

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

Mayor Della Sala called a recess at 8:25 p.m., then reconvened the meeting at 8:36 p.m.

STUDY SESSION

- Proposed Use by the Transportation Agency of Monterey County and Monterey Salinas Transit (MST) of 1) the Monterey Branch Line Corridor for the Monterey Branch Transit Line; 2) 290 Figueroa (APN No. 001-701-011) for the Monterey Branch Line Station and the MST Transfer Station; and, 3) Portola Plaza for the Monterey Branch Line Terminal Station for the Purposes of Developing a Project Description for the Required Environmental Review (Plans and Public Works 1001-02)

Action: Received report and heard public comment

Principal Planner Caraker introduced the item. Debbie Hale, Executive Director of TAMC, presented details regarding the Monterey Branch Line corridor and Transit Line. Kristen Hoschouer, TAMC Associate Transportation Planner, outlined the project proposal.

Mayor Della Sala opened the floor for public comments. Ron Baxter, Commodore of the Monterey Peninsula Yacht Club, said that he is pleased to see the smaller configuration and increased parking. He voiced concerns, asking if a boat yard is included in this plan. Traffic Engineer Deal said that the boat yard is considered to be an existing feature and would not be affected by this plan. Bob Massaro, Old Fisherman's Wharf Association, voiced concerns and opposed any loss of parking on the West Catellus property. Luis Osorio spoke in support of the proposed project. Jeff Altret said that magnetic rail technology is far better than rapid bus transit or light rail and should be considered. Ms. Hoschouer said that technology is quite expensive and is not as efficient for shorter systems.

Sara Duncan, boat owner and resident, supported the smaller station layout and asked questions regarding impacts to parking. Mike Dawson said that this plan does not show grade separation from rail as outlined in the General Plan. He voiced concerns regarding traffic impacts and costs of operations. Bob Oliver suggested mopeds as an alternative. He suggested that alternatives, such as a monorail, should be considered, and he voiced concerns regarding traffic impacts. TAMC staff explained that a monorail costs approximately \$100 million per mile, so is too expensive. Bob Anea asked how long it would take to build up to the estimated 4,400 riders per day, and Ms. Hale said that the estimate should nearly be reached on opening day, increasing to 7,000 to 8,000 as time goes on. Bill Duros, Monterey resident, said that he is encouraged by the proposed project and he supported it. He urged keeping a long-term perspective. Mike Mariana suggested that any line continue into Pacific Grove or Carmel. He voiced concerns regarding the impact on the fishing industry around the Wharf. Marcia Hardy, Oak Grove resident asked to see a depiction of how the line would impact the Del Monte corridor. She suggested doing some long term planning for that corridor. Mr. Oliver asked if the vehicle would emit fumes or if there is a safety issue. TAMC staff detailed how safety issues would be addressed and said that emissions are far below conventional buses. Having no further requests to speak, Mayor Della Sala closed public comment on the item.

Councilmember Sollecito commented that the Council has already included this in the General Plan, and he supported the proposal as an economic engine. Councilmember Haferman said that the process should proceed on the proposed schedule, noting that there would be many opportunities to address concerns. Mayor Della Sala said that the conceptual aspect of the project has been in the works for many years. He said that bus rapid transit appears that it will be the best alternative in the end. Councilmember Downey asked for clarification regarding how the speed of buses would compare to light rail, and TAMC staff said that the speeds would be comparable. Councilmember Selfridge asked if this project would eventually pay its own way, and Ms. Hale clarified that it would have ongoing expenses and a revenue stream would be necessary.

COUNCIL COMMENTS

Councilmember Downey gave a report regarding the recent PUC hearings on the regional plan to develop a water supply for Monterey, noting that there is widespread support.

Councilmember Sollecito said the hybrid plan for water has been proposed too late in the process.

Councilmember Selfridge thanked staff at Whispering Pines and Camp Quien Sabe for providing great programs this year. She asked Council to consider expanding the Volunteer Coordinator position to full time using NIP funds.

Councilmember Haferman clarified that he was just bringing information to the Council regarding the hybrid plan, and he was not in a position of supporting it. He urged representatives to reach out to the groups. Councilmember Downey said that officials have been working with those groups all along.

Mayor Della Sala referenced a letter he wrote to the Editor of the Monterey Herald, and said that the City of Monterey has a AA rating. He thanked the City Manager, Finance Director, and the Council for being fiscally responsible. He announced that Monterey would be celebrating the anniversary of the signing of the Environmental Accords tomorrow on Colton Hall Lawn.

CITY MANAGER REPORTS

City Manager Meurer had no report, and Council adjourned to Closed Session at 10:25 p.m.

CLOSED SESSION

3. City Attorney Mid Year Litigation Report, Conference with Legal Counsel (City Attorney- 703-06)
 - A.) Existing Litigation Pursuant to Government Code §54956.9(a)
 1. California Shock Trauma Air Rescue v. City of Monterey - 9th Cir. Federal Court
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 8. Henness v. City of Monterey
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 10. In re: Matter of Oler Family Trust dated October 3, 1991
 11. Giammanco et al v. City of Monterey et al
 12. McMahan v. City of Monterey - 9th Circuit Federal Court
 13. McMahan v. City of Monterey - Sixth District Court of Appeals
 14. McMahan v. City of Monterey - Monterey County Superior Court

Action: During the evening session, Council received and discussed additional information

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 10:57 p.m.

Respectfully Submitted,

Approved,

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

_____/s/_____
Chuck Della Sala
Mayor