

**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF MONTEREY**  
**TUESDAY, September 1, 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, Assistant City Manager, Fire Chief, Finance Director, Public Facilities Director, Recreation and Community Services Director, Human Resources Director, Library Director Deputy Police Chief, Assistant Director Plans and & Public Works, Chief of Planning, Engineering, and Environmental Compliance, Principal Planner, Harbormaster, Associate Planner

The Mayor reviewed the agenda, and City Manager Meurer reported that staff recommends tabling Item 1 at the request of the Sanctuary Superintendent.

**PRESENTATIONS**

§P1. Recognition of Defense Language Institute Quarterly Joint Services Awards (City Manager 701-17)  
**Action: Presentation made**

Mayor Della Sala read proclamations and made the presentations to Airman First Class Wesley D. Fine and Yeoman Petty Officer Bonita M. Sabia.

**CONSENT ITEMS**

On a motion by Councilmember Selfridge, seconded by Councilmember Sollecito, and carried by the following vote, the City Council approved the Consent Agenda:

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

**Approval of Minutes**

C1. August 18, 2009 (Information Resources 701-09)  
**Action: Approved**

**Award of Contracts**

C2. Awarding Contract to Bond Blacktop, Inc. for the Street Resurfacing (Slurry/Cape Seal) - 2009 For City of Monterey and Presidio Municipal Services Agency (Plans and Public Works 405-04)  
**Action: Adopted Resolution No. 09-140 C.S.**

**Resolutions**

- C3. Rejecting All Bids for the Purchase of One Combination Sewer Cleaner and Authorizing Staff to Secure Purchase on the Open Market by Direct Negotiations (Plans and Public Works 405-05)  
**Action: Adopted Resolution No. 09-141 C.S.**
- C4. Approval of Resolution Authorizing Appropriation of Grant and Donation Funds in the Library Trust Fund (Library 406-04)  
**Action: Adopted Resolution No. 09-142 C.S.**
- C5. Resolution Approving SPCA of Monterey County Contract (Police 607-09)  
**Action: Adopted Resolution No. 09-143 C.S.**
- C6. Resolution Adopting an Identity Theft Prevention Program (Finance 503-04)  
**Action: Adopted Resolution No. 09-144 C.S.**
- C7. Authorizing Highway Safety Improvement Program Grant Application (Plans and Public Works 406-04)  
**Action: Authorized**

**Other**

- C8. Appointments to Outside Agencies (Information Resources 701-04)  
**Action: Appointments made**
- C9. Authorize the Mayor to Send a Letter to Governor Schwarzenegger in Response to Recent Budget Cuts to the California State Parks System (Plans and Public Works 406-01)  
**Action: Authorized**

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

**PUBLIC COMMENTS**

Mayor Della Sala opened the floor for Public Comments on items not on the agenda. Russell Grant asked that the City send him to Washington so he could help the poor and lower costs. Aaron Waters, Yellow Cab taxi driver, asked the Council to limit the number of permits that could be issued to taxicab drivers, saying that the demand for fares has plummeted recently. Having no further requests to speak, Mayor Della Sala closed Public Comments.

**PUBLIC APPEARANCE**

- 1. Resolution Requesting that the Monterey Bay National Marine Sanctuary Provide for More Flexibility for the Placement of Clean Dredged Materials (Public Facilities 904-11)  
**Action: Tabled on the request of the Sanctuary Superintendent**

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

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

2. Authorization to Send a Letter to the Pacific Fishery Management Council Regarding the Monterey Bay National Marine Sanctuary's Marine Protected Area (Public Facilities 904-11)  
**Action: Authorized letter and directed staff to schedule a study session**

Harbormaster Scheiblauber presented the staff report and reviewed the letter.

Mayor Della Sala opened public comment. Theresa Canepa, fisherman's daughter, thanked the Mayor for the reminder to the Sanctuary that it would not have been formed without the support of the fishermen. She asked Council to remind them that they were to have a fisherman sit on their board. She suggested a penalty clause for when promises are not kept. Bob Oliver said that he has fished from the Wharf since he was a child. He agreed that the process has torn down the fishing industry, and he supported maintaining the current policy.

Paul Michel, Sanctuary Superintendent, read a letter into the record responding to the City's draft letter. He asked Council to join him in his efforts and to schedule a study session on the topic. Councilmember Sollecito asked if there is a political agenda pressuring the Sanctuary to further restrict fishing. Mr. Michel said that they want to make sure that the sustainable fisheries objectives are met. Mayor Della Sala said that everyone wants a healthy fishery, and he asked if the sanctuary would not pursue regulation of fishing. Mr. Michel said that if issues arise, those would be brought forward, and no promises have been broken. Mayor Della Sala asked his question again, and Mr. Michel said that the Sanctuary would go through a deliberative process, but he could not make any promises today.

Councilmember Haferman said that the matter comes down to a political issue, and there are two sides that would come out at a study session. He suggested having a session only if there is a productive way of conducting it. Councilmember Downey asked if Mr. Michel thought that the establishment of MPAs regulates fishing by definition. Mr. Michel said that MPAs are regulatory tools. Ms. Downey noted that Monterey is very environmentally oriented and does a lot to protect the ocean. She voiced concerns that the Sanctuary's science is faulty, and asked for more dialogue between the fishermen and the Sanctuary. Mr. Michel said that he hoped that there would be a healthy fishing industry at the end of this process.

Jerry Nozica, Commercial fisherman, thanked the council for sending this letter. He said that the fishing industry is no longer sustainable. Ed Crankshaw, Seaside resident speaking on behalf of Guiseppie Pennisi, said that the more fishing grounds taken away, the more the fishing families suffer. Elisabeth Pennissi Nozica spoke in support of the fishermen. She asked if the people making the regulations think about the effects on the fishermen's families. Mike Ricketts, President of the Monterey Commercial Fishers Association, and said that all are concerned with the Sanctuary's actions. He supported the letter. Mike Mariana spoke in support of maintaining the fisheries. He said that he was a member of the Sanctuary formation committee and attended all of the meetings. He said that it was clearly stated and documented that the Sanctuary would not manage or have any control of the fishing industry, and there was no indication of any growth or expansion of the areas.

Kathy Fosmark, representing the Alliance of Communities for Sustainable Fisheries, said that they continue to work constructively with the Sanctuary. She said that there must be support of science and the community for additional MPAs. She supported sending the letter. Giavani Favalaro spoke in support of local fisherman. Seeing no further requests to speak Mayor Della Sala closed public comment.

It was moved by Councilmember Downey, and seconded by Councilmember Selfridge, to authorize the letter, and direct staff to schedule a study session with the Sanctuary.

Councilmember Haferman said he does not want the study session to be political as it was the last time. He strongly supported the letter. Mayor Della Sala noted that the City strongly supports the sanctuary and the fishermen.

The motion carried by the following vote:

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

Mayor Della Sala called a recess at 5:42 p.m. and then reconvened the meeting in open session at 7:00 p.m., where all Councilmembers were present.

**CLOSED SESSION**

3. Conference Pursuant to Government Code Section 54956.8 with City Real Estate Negotiators Rick Marvin, Chip Rerig, Hans Uslar, Don Rhoads, Fred Cohn, Sam Rashkin, Michael McCarthy and Carl Anderson to Provide Direction Regarding 406 Alvarado Street - The Monterey Hotel (Redevelopment Agency ) (Authorized in Open Session April 7, 2009) (Plans and Public Works 203-02)  
**Action: Continued to evening session**

**CONTINUED PUBLIC COMMENTS**

Mayor Della Sala opened the floor for Public Comments on items not on the agenda, and with no requests to speak Mayor Della Sala closed public comment.

**PUBLIC HEARINGS**

4. Consider Planning Commission Recommendation to 1) Adopt Resolution Amending the Del Monte Shopping Center Master Plan Limitations on Allowed Business and Professional Uses in the Del Monte Shopping Center to Allow a Seasonal Outdoor Farmers Market as a Conditional Use; and, 2) Approve Use Permit 09-084 for a Seasonal Farmers Market at the Del Monte Center at 1410 Del Monte Center. Applicant Jill Vivanco of American Assets Real Estate; Owner Del Monte - POH LLC, DMSJH LLC, KMBC LLC, DMCH LLC; C-2-SC Zone; Exempt from CEQA Requirements. (Plans and Public Works 201-12)  
**Action: Held Public Hearing; adopted Resolution No. 09-145 C.S.; approved Use Permit 09-084 with findings & conditions (4-0-1; Selfridge not participating due to a potential conflict of interest)**

Councilmember Selfridge recused herself from hearing this item due to a potential conflict of interest and left the Chamber.

Associate Planner Woten presented the staff report. On question, she clarified that the Farmers' Market had been held for the past several months with no complaints. Mayor Della Sala opened the Public Hearing. Joseph Aiello voiced concerns about having three competing Farmers' Markets within the City of Monterey. He suggested a six-month review if the permit is approved. Having no further requests to speak, Mayor Della Sala closed the Public 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. 09-145 C.S. and approving Use Permit 09-084 with findings and conditions:

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

Councilmember Selfridge returned to her seat at the dais.

## **PUBLIC APPEARANCE**

5. Approval of Updated List of Strategic Initiatives (City Manager 701-15)  
**Action: Discussed; received public comment; gave direction to staff**

City Manager Meurer and Assistant City Manager Cohn walked through the changes to the Council's strategic initiatives, pointing out completed initiatives and reviewing proposed new strategic initiatives.

With regard to her suggestion for a summer jobs program, Councilmember Selfridge said that after thinking it through, she would like to table her request for now and bring it back later. Councilmember Haferman said he thinks it's worthy and should remain under consideration. Councilmember Downey said the time is not right, but that volunteerism might be a way to accomplish the goal. City Manager Meurer clarified that staff would bring this issue back at a later time, possibly during the mid-year budget update.

With regard to his suggestion to make the City of Monterey at Global Public Policy Center, Mayor Della Sala clarified that his original intent was to include MIIS, MPC, and CSUMB, in addition to federal agencies. He requested precision in articulating the involved agencies. Councilmember Sollecito agreed that this is a high priority, and the City should partner with other institutions to accomplish this. City Manager Meurer said that he would send the Council information on what is being done around Fort Bragg, noting that it is a complicated effort.

Council discussed the proposal to establish endowment funds for the Library and Sports Center. Staff suggested that the initiative be stated as, "Explore and pursue solutions to develop sustainable funding strategies to maintain and enhance the City's Library and Recreation services." Councilmember Downey said that due to the economy, now is not the time for this to be a high priority. She said that her understanding is that the Library Board is satisfied with the model they have now, and Library Director Bui-Burton agreed that they are comfortable with the established fund. Councilmember Selfridge said she would like to table the discussion regarding the Sports Center at this time. She said that the Library Board is looking at this issue for the Library. Councilmember Haferman said that while this is not the right time this might be a future goal.

Assistant City Manager Cohn explained that development of an outcome-based budgeting model is already in motion.

Council discussed the proposed analysis of privatizing the Monterey Conference Center. City Manager Meurer explained that many functions at the Conference Center are already privatized, but maintenance of the facility is not. Mayor Della Sala suggested continuing to look at expansion, operations and cost-effectiveness. Councilmember Sollecito said that he is concerned with finding out if an expansion is needed and how we can maximize the capability of current Conference Center. Councilmembers agreed that expanding and/or renewing the Conference Center is a strategic initiative.

With regard to reforming the Public Employee Retirement System, City Manager Meurer suggested that effective pension reform needs to be pursued regionally. Councilmembers agreed that they would like the matter pursued regionally with area City Managers.

City Manager Meurer noted that the Lighthouse Avenue objectives and Highway 68 improvements at CHOMP have been completed. He suggested that the next set of deliverables for these transportation corridors would be to develop funding mechanisms. On question from

Mayor Della Sala, Assistant City Manager Cohn explained that staff would pursue a mix of regional and local funds.

Assistant City Manager Cohn suggested adding two initiatives to the value driver, "Maintain and Expand an Environment that Solicits, Welcomes and Appreciates Input from All" as follows: "Transition the printed City Focus newsletter to Web and cable access based publications;" and "Develop strategies, policies, and procedures for expansion of City's presence on social media sites such as Facebook as a way to expand the City's reach to customers and visitors." Councilmembers agreed to these additions.

Mr. Cohn also suggested modifying the strategic initiative related to coordination of fire services to read, "Continue to seek and develop collaborative solutions with other local agencies and jurisdictions to enhance service levels, operational efficiency, and cost-effectiveness of fire and EMS services." Councilmembers agreed.

Mayor Della Sala opened public comment. Bob Oliver asked Council to consider creating a list of priorities and having the Library and Sports Center set aside so cuts would never be made to those operations, along with an agreement with NIP for ongoing funding until the endowment is created. Joseph Aiello agreed that expansion of the Conference Center should be a priority, but did not support privatizing it. He suggested developing a performing arts center. Seeing no further requests to speak Mayor Della Sala closed public comment.

City Manager Meurer said that staff would bring back an item on the consent agenda of a future meeting so Council could formally adopt the changes they had discussed.

6. Consideration of Reduction in Size of Membership and Number of the City's Boards and Commissions (Della Sala 701-01)

**Action: Continued to October 20, 2009**

Mayor Della Sala addressed the Council on the issue, saying that he is recommending this change in order to conduct business more efficiently and cost effectively. Councilmember Haferman said that he would like to get additional input from boards and commissions. Mayor Della Sala said that the matter was delayed previously for that reason. Councilmember Downey supported the proposal. Councilmember Selfridge agreed with Councilmember Haferman.

Mayor Della Sala opened public comment. Bob Oliver said that the four-year term would give the potential for cronyism. He said that he had a bad experience with the Traffic Committee. Mike Dawson said that the proposal contains good ideas. He suggested that it might be difficult to get a quorum if there are fewer members. He supported the four-year term. Seeing no further requests to speak Mayor Della Sala closed public comment.

Councilmember Downey said that she suspects attendance would be better with smaller bodies, and there would be time for more in depth discussion. Councilmember Selfridge said she likes more participation so wants to keep the boards and commissions as they are, but perhaps the non-voting members should not receive packets. Councilmember Haferman said he would rather hear from all boards and commissions before making a decision.

Mayor Della Sala said that this is not time sensitive, but he believes the commissions would have weighed in if they had objections. Councilmember Downey said she would be interested to hear staff's input. Chief of Planning and Engineering Rerig noted that staff is in agreement with the recommendation from the Mayor.

Mayor Della Sala clarified that the proposal is to reduce the membership through attrition.

On a motion by Councilmember Sollecito, seconded by Mayor Della Sala, and carried by the following vote, the City Council continued the item to October 20, 2009:

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

Mayor Della Sala called a recess at 9:00 p.m., and then reconvened the meeting at 9:08 p.m.

### COUNCIL COMMENTS

Councilmember Haferman said that he will bring additional information to the City Council about recent State legislation that will enable the use of grey water for irrigation. He noted that there is a Rail Commission meeting on September 21<sup>st</sup> and they will consider a recommendation on light rail versus rapid transit busses. Councilmember Haferman reported on the Airport Subcommittee meeting where they expressed disappointment on the Council's action regarding parking on Garden Road. He said that he will attend a Wharf Subcommittee meeting tomorrow, and he plans to address the issues of Resolution 9000 and the Wharf Master Plan. He said that he will ask the association to provide written suggestions.

Councilmember Downey said that she sees many vacant parking places on Garden Road. She asked about the status of Hartnell Gulch, and she noted several issues about activity in the Trader Joe's parking lot. Staff replied that Hartnell Gulch is scheduled to be heard by Council on October 6<sup>th</sup>.

### CITY MANAGER REPORTS

City Manager Meurer reported that the City has deployed two strike teams to fight Southern California fires.

Council adjourned to closed session at 9:00 p.m.

### CLOSED SESSION

3. Conference Pursuant to Government Code Section 54956.8 with City Real Estate Negotiators Rick Marvin, Chip Rerig, Hans Uslar, Don Rhoads, Fred Cohn, Sam Rashkin, Michael McCarthy and Carl Anderson to Provide Direction Regarding 406 Alvarado Street - The Monterey Hotel (Redevelopment Agency ) (Authorized in Open Session April 7, 2009) (Plans and Public Works 203-02)  
***Action: On a unanimous roll call vote, the City Council gave confidential instructions to their negotiators***

### 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 9:45 p.m.

Respectfully Submitted,

Approved,

\_\_\_\_\_/s/\_\_\_\_\_  
 Bonnie Gawf  
 Information Resources Director/City Clerk

\_\_\_\_\_/s/\_\_\_\_\_  
 Chuck Della Sala  
 Mayor