

MINUTES
CITY COUNCIL REGULAR MEETING
CITY OF MONTEREY
Tuesday, October 6, 2009
4:00 - 5:30 p.m. 7:00 - 11:00 p.m.
COUNCIL CHAMBER, FEW MEMORIAL HALL
MONTEREY, CALIFORNIA

Councilmembers

Present: Councilmembers Della Sala, Selfridge, Downey, Sollecito, Haferman

Absent: None

City Staff

Present: City Manager, City Attorney, Information Resources Director/City Clerk, Assistant City Manager, Finance Director, Public Facilities Director, Fire Chief, Deputy Police Chief, Assistant Director Plans and & Public Works, Chief of Planning, Engineering, and Environmental Compliance, Traffic Engineer, City Engineer, Property and Housing Manager, Administrative Analyst-Real Estate

CALL TO ORDER – 4:01 p.m.

CONSENT ITEMS

Councilmember Downey asked to remove Items 12 and 13 from the Consent Agenda for discussion.

On a motion by Councilmember Downey, seconded by Councilmember Sollecito, and carried by the following vote, the City Council approved the Consent Agenda, except Items 12 and 13, which were removed for separate discussion and action:

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

Approval of Minutes

1. September 15, 2007 (Information Resources - 701-09)
Action: *Approved*
2. September 23, 2007 (Information Resources - 701-09)
Action: *Approved*

Ordinances

3. First Reading - An Ordinance Repealing and Reenacting Monterey City Code Section 22-31 Regulating Massage Business and Massage Technicians - Staff Recommends continuance to the October 20, 2009 Meeting (Police - 607-09)
Action: *Continued to October 20, 2009*

Resolutions

4. Authorizing the Acceptance and Appropriation of Grant Funds from the Safe Routes to School Grants for the Construction of a Sidewalk along Via Ladera and Implementation of a Student Walk-to-School Program***NIP*** (Plans and Public Works - 1001-01)
Action: *Adopted Resolution No. 09-151 C.S.*

5. Amending Position Control to Change Assistant Human Resources Director classification to Employee Relations Manager, and change the Communications Assistant from Regular Part Time (30 hours) to Full Time. (Human Resources - 502-03)
Action: Adopted Resolution 09-152 C.S.

6. Authorizing Amendments to Tidelands Lease at 720 Cannery Row and 700 Cannery Row to Accommodate Approved and Installed Deck Extension Totally Within the Lease Area of 720 Cannery Row (Plans and Public Works - 203-02)
Action: Adopted Resolution No. 09-153 C.S.

7. Authorizing Acceptance Of Federal Grant Funds For County-Wide Mobile Data Communications System Equipment; Authorizing A Contract For Grant Writing And Management Services; And Authorizing The Finance Director To Appropriate Said Federal Grant Funds For FY 2009-10 (Fire - 409-02)
Action: Adopted Resolution No. 09-154 C.S.

8. Resolution amending the 2009-2010 position control list adding two unfunded police officer overfill positions and one unfunded police recruit position to the police department through June 30, 2010 (Police - 502-03)
Action: Adopted Resolution No. 09-155 C.S.

9. Amending Resolution 09-069 C.S Revising Scope of Work for the Presidio Municipal Services Agency (PMSA) - Defense Manpower Data Center (DMDC) 4th Floor Bathroom Remodel Project and Approving Related Funding. *** PMSA *** (Plans and Public Works - 704-05)
Action: Adopted Resolution No. 09-156 C.S.

10. Resolution Authorizing City Council to Grant Maximum Rental Relief to the Monterey Bay National Marine Sanctuary (MBNMS) for use of the Monterey Conference Center (MCC) (Della Sala - 902-02)
Action: Adopted Resolution 09-157 C.S.

11. Approving Expenditure Plan For Supplemental Law Enforcement Services Funding (Police - 406-04)
Action: Adopted Resolution No. 09-158 C.S.

Other

12. Confirming Changes to the City Council's list of Strategic Initiatives (City Manager - 701-03)
Action: Removed from Consent and tabled

Assistant City Manager Cohn presented a brief report. Councilmembers indicated that they would like to discuss the initiatives in detail at a subsequent meeting before taking action.

On a motion by Councilmember Downey, seconded by Councilmember Selfridge, 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
ABSTAIN:	0	COUNCILMEMBERS:	None

13. Recommending Release of Four Safety Related Sidewalk Neighborhood Improvement Program (NIP) Projects from Hold Status. ***NIP*** (Plans and Public Works - 808-02)
Action: Removed from Consent; discussed; and approved (4-1; Downey voting no)

City Manager Meurer introduced the item, and City Engineer Reeves presented the staff report.

Mayor Della Sala opened the floor for public comment. NIP Spokesperson Heuer presented background information and spoke in support of approving the item. On question, he said that as an individual he did not favor spending money on a project that is outside the City limits. With no further requests to speak, Mayor Della Sala returned the discussion to the dais.

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

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

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

PUBLIC COMMENTS

Mayor Della Sala opened the floor for public comments on items not on the agenda. Rick Heuer, Alta Mesa neighborhood resident, voiced concerns regarding overflow parking for events at La Mirada Museum. Having no further requests to speak, Mayor Della Sala closed the floor. He asked if any member of the public had comments on the afternoon's closed session items and no one came forward.

The City Council adjourned to Closed Session at 4:50 p.m.

The Mayor called a recess at 5:30 p.m., then reconvened the meeting at 7:00 p.m. where all Councilmembers were present.

ANNOUNCEMENTS FROM CLOSED SESSION

Information Resources Director/City Clerk Gawf made the Closed Session announcements.

CONTINUED PUBLIC COMMENTS

Mayor Della Sala opened the floor for public comments on items not on the agenda. Bob Oliver said that he would like the name of Stacey Louise Andrews included in tonight's minutes, saying that he mentioned her at the September 15th meeting as being assaulted by Monterey's turbo cops. He said that he was issued an unjust ticket and is getting no cooperation in fighting it. Having no further requests to speak, Mayor Della Sala closed public comments.

PUBLIC HEARING

14. Consider Planning Commission Recommendation to Adopt Resolution Adopting Negative Declaration; and Adopt Ordinance Amending Monterey City Code: (Plans and Public Works - 701-11)
- Section 33-9 (Residential Condominium Subdivisions) to clarify permitting procedures and to add a process for resolving disagreements between developer and tenant
 - Section 38-26 (Supplemental Regulations Applicable in R Districts) to incorporate

- c. standards for condominium projects from Resolution 13,273
- c. Section 38-115 (Off Street Parking and Loading Spaces Required) to add specific parking requirements for condominium conversions
- d. Section 38-161 (Required Findings) to add special finding for approval of condominiums
- e. Section 38-163 (Planned Unit Development Approval) to clarify submittal requirements for Planned Unit Developments consistent with recent ordinance amendments
- f. Sections 38-28B, 38-29B, 38-30B, 38-31B (C1, C2, C3, and CO District Land Use Regulations) to reference condominium and mixed use ordinance sections
- g. Section 38-33G2 (Mixed Use Projects – Principally Permitted Uses, Conditional Uses, and Accessory Uses) to reference other ordinance sections for open space and parking requirements

Action: Continued to October 20, 2009

City Manager Meurer noted that since a “strike-out” version of the Ordinance was not included in the packet, Council might elect to continue the item to the next meeting.

On a motion by Councilmember Downey, seconded by Councilmember Selfridge, 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
ABSTAIN:	0	COUNCILMEMBERS:	None

PUBLIC APPEARANCE

- 15. 820 Casanova Avenue (The Cypress Park Condominium Project) Status Report For Discussion and Direction to Staff (Continued from Meeting of September 23, 2009) (Plans and Public Works - 206-03)

Action: Directed staff to advise the lender that the City would keep the deed restrictions in place

Property and Housing Manager Marvin presented the staff report. Administrative Analyst-Real Estate Rashkin presented an analysis of the market value and potential for sale of the units. Staff recommended that Council keep the deed restrictions in place, while understanding that a majority of units will be rentals for an undetermined period.

Mayor Della Sala opened the floor for public comment. Mike Brassfield recommended that Council consider the ongoing issues at 820 Casanova. He said that the neighborhood understands that the recommendation would mean continued rental of the units. He asked for a requirement for the bank to place a bond in the amount of the construction costs. Having no further requests to speak, the Mayor returned the discussion to the dais.

On a motion by Councilmember Downey, seconded by Councilmember Selfridge, and carried by the following vote, the City Council directed staff to advise the lender that the City would keep the deed restrictions in place for 820 Casanova Avenue :

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

- 16. Information on the Background of the Del Monte Beach Cross (209-08)

Action: Received and discussed report

City Manager Meurer introduced the item, giving a brief history of past litigation regarding religious symbols. Library Archivist Copeland introduced Museum and Cultural Arts

Manager Conway, who reviewed the history of the monument. Archivist Copeland gave additional information regarding the location of the cross.

Mayor Della Sala opened the floor for public comments. Andre Pleshan spoke in support of replacing the cross, saying this is an issue of vandalism. David Canepa, Monterey resident, spoke in support of replacing the cross. John Billman, Salinas resident and biographer of Harry Downey, supported replacing the cross. Jeffrey Weekly, Monterey area resident, said that a cross is a powerful religious symbol and should not be replaced.

Fred Meeks, Monterey resident spoke in support of rebuilding the cross. Phillip Crawford, Monterey resident and Monterey College of Law student, said that the Constitution does not allow the government to place a religious symbol on government property. Mike Maiorana spoke in support of replacing the cross and said that the vandal that cut it down must be brought to justice. Bob Oliver asked why the cross in Carmel is not an issue. He spoke in support of reinstalling the cross as an historic marker. Dave Orwell said that it is difficult to separate the historic and religious significance, but violent destruction of a public monument is not the way to settle public policy. He supported replacing the cross.

Christine Heuer agreed with the previous speaker. Michele Welch, ACLU, said that she is not here to sue the City, but the cross is not just an historic marker and it should be on private property. She asked Council to uphold their oath. Carol Pleshan thanked the Council for hearing comments on the cross and asked Council not to make a decision based on fear. She cited a Supreme Court decision 07-665. Destina Green, Carmel resident, said that she researched the history of the cross, and she supported replacing it. Having no further requests to speak, the Mayor closed public comment on the item.

Councilmember Selfridge read a letter from Devon Hayes into the record. Mr. Hayes offered to restore the cross as an Eagle Scout project while the matter is decided in a lawful manner. Councilmember Haferman noted that a crime took place, and on question Mr. Meurer said that there were no meaningful leads on the crime. Councilmember Downey noted that Monterey is the most historical city in California. Councilmember Sollecito noted that the Constitution does not require government representatives to run from religious symbolism if there is a secular purpose. Mayor Della Sala said that he sees the cross as an historical marker, and the decision will not be made in fear.

COUNCIL COMMENTS

Councilmember Downey said that she and Councilmember Selfridge recently met with an environmental group headed by Bill Monning, and he promised that he would work to make sure that any state constitutional convention would take place in Monterey. Ms. Downey said that the National Historic Landmark survey is needed. She encouraged people to attend History Fest this weekend.

Councilmember Selfridge announced that on October 22, the *Sea of Joe* movie will be shown free of charge at the Monterey Conference Center.

Councilmember Haferman noted that Council received a letter from James Bryant regarding a proposal for lighting at Friendly Plaza. He voiced concerns about the proposal and asked for additional information. Chief of Planning and Engineering Rerig gave a brief review of the matter and gave an overview of the appeals process.

17. Request to Agendize a Referral of Ordinance that would Prohibit Smoking in Parks and on the Recreation Trail (Downey - 701-15)

Action: No action taken

Councilmember Downey asked Council to agendaize this matter. City Attorney Mall reported that the City Attorney's Office has a revision of the smoking ordinance on their to-do list, and the matter could be brought back in approximately three months. Councilmember Downey agreed with that approach.

CITY MANAGER REPORTS

City Manager Meurer announced that the Fire Department will host an open house in celebration of their 125th Anniversary on Saturday October 24 at 11:00.

Mayor Della Sala opened the floor for public comments on the closed session item. Juansalo Coronado, Coalition for a tobacco Free Monterey County, offered his assistance with the smoking ordinance. Mike Maiorana noted that the cross in San Diego is used for navigation, and the issue is not black and white. Bob Oliver said that he has never seen a separation of state and church in his lifetime.

With no further requests to speak, Mayor Della Sala adjourned the meeting to closed session at 9:19 p.m.

ANNOUNCEMENTS FROM CLOSED SESSION

Council reconvened at 10:50 p.m. Information Resources Director/City Clerk Gawf made the announcements.

ADJOURNMENT – 10:52 p.m.

Respectfully Submitted,

Approved,

Bonnie L. Gawf
Director Information Resources / City Clerk

Chuck Della Sala
Mayor