

MINUTES
CITY COUNCIL REGULAR MEETING
CITY OF MONTEREY
Tuesday, October 20, 2009
4:00 - 5:30 p.m. 7:00 - 11:00 p.m.
COUNCIL CHAMBER, FEW MEMORIAL HALL
MONTEREY, CALIFORNIA

Councilmembers

Present: Councilmembers Selfridge, Haferman, Downey, Sollecito

Absent: Mayor Della Sala

City Staff City Manager, City Attorney, Information Resources Director/City Clerk, Assistant

Present: City Manager, Finance Director, Public Facilities Director, Deputy Police Chief, Assistant Director Plans and & Public Works, Chief of Planning, Engineering, and Environmental Compliance, Traffic Engineer, Principal Planner

CALL TO ORDER

Vice Mayor Selfridge called the meeting to order at 4:00 p.m.

CONSENT ITEMS

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

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

Approval of Minutes

1. October 6, 2007 (Information Resources - 701-09)

Action: Removed from Consent; public comments taken; discussed; approved (4-0-1; Della Sala absent)

Vice Mayor Selfridge opened the floor for public comment. Bob Oliver asked to add his statement, made at the October 6 Council meeting, that there is a cover-up regarding Stacey Louise Andrews to the Minutes. He said that he saw her injuries personally. Councilmembers discussed whether to amend the Minutes, noting that they are a summary and are factually correct. Mr. Oliver made additional comments regarding his belief that there was a cover up.

Councilmember Haferman moved to approve the Minutes as drafted, noting that they are factually correct. Councilmember Sollecito seconded the motion and it carried by the following vote:

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

Award of Contracts

2. Awarding Contract to BCI Builder's Inc. for the Replace Deteriorating and Leaking Water Lines Servicing DLI Classrooms American Recovery and Reinvestment Act (ARRA) Project. ***PMSA*** (Plans and Public Works - 704-05)
Action: Adopted Resolution No. 09-159 C.S. (4-0-1; Della Sala absent)
3. Awarding Contract to BCI Builder's Inc. for Replace Failing Water Laterals Supporting Classrooms Buildings 209-218 American Recovery and Reinvestment Act (ARRA) Project. ***PMSA*** (Plans and Public Works - 704-05)
Action: Adopted Resolution No. 09-160 C.S. (4-0-1; Della Sala absent)
4. Awarding Contract to Val's Plumbing and Heating Inc. for Repair Natural Gas System American Recovery and Reinvestment Act (ARRA) Project. ***PMSA*** (Plans and Public Works - 704-05)
Action: Adopted Resolution No. 09-161 C.S. (4-0-1; Della Sala absent)
5. Awarding Contract for Replace Barracks Failing HVAC 647, 650, and 651 American Recovery and Reinvestment Act (ARRA) Project. ***PMSA*** (Plans and Public Works - 704-05)
Action: Adopted Resolution No. 09-162 C.S. (4-0-1; Della Sala absent)

Ordinances

6. First Reading - An Ordinance Repealing and Reenacting Monterey City Code Section 22-31 Regulating Massage Business and Massage Technicians - Continued from the October 6, 2009 Meeting (Police -)
Action: Passed Ordinance to print (4-0-1; Della Sala absent)

Resolutions

7. Adoption of a Resolution Supporting Funding of a Study of the Condition of the Eastern Pacific ("California") Gray Whale (Public Facilities - 706-03)
Action: Adopted Resolution No. 09-163 C.S. (4-0-1; Della Sala absent)
8. Authorizing the Appropriation of Funds for the Presidio of Monterey Public Works Authority Fund for Unscheduled Maintenance of American Recovery and Reinvestment (ARRA) Projects. ***PMSA*** (Plans and Public Works - 406-04)
Action: Adopted Resolution No. 09-164 C.S. (4-0-1; Della Sala absent)
9. Authorizing the Appropriation of Funds for the Presidio of Monterey Public Works Authority Fund for the Presidio of Monterey and the Defense Manpower Data Center (DMDC) Base Operations and Maintenance Contract. ***PMSA*** (Plans and Public Works - 406-04)
Action: Adopted Resolution No. 09-165 C.S. (4-0-1; Della Sala absent)
10. Awarding Contract to Superior Auto Detail for City of Monterey Power Washing Service Contract. (Plans and Public Works - 704-05)
Action: Adopted Resolution No. 09-166 C.S. (4-0-1; Della Sala absent)
11. Resolution Amending the 2009-2010 Position Control List Adding One Harbor Security Worker Overfill Position to the Public Facilities Department through June 30, 2010 (Public Facilities - 502-03)
Action: Adopted Resolution No. 09-167 C.S. (4-0-1; Della Sala absent)

12. Awarding Contract to Otis Elevator for Elevator, Escalator, Wheelchair Lift, and Dumbwaiter Maintenance Service Contract. (Plans and Public Works - 704-05)
Action: Adopted Resolution No. 09-168 C.S. (4-0-1; Della Sala absent)
13. Awarding Contract for Municipal Maintenance Equipment to Purchase Three Go-4 Parking Enforcement Vehicles (Plans and Public Works - 812-02)
Action: Adopted Resolution No. 09-169 C.S. (4-0-1; Della Sala absent)
14. Appropriating Funds for the Del Monte Avenue/Figueroa Traffic Signal Improvements American Recovery and Reinvestment Act (ARRA) Project (Plans and Public Works - 1001-01)
Action: Adopted Resolution No. 09-170 C.S. and 09-171 C.S. Appropriation of funds (4-0-1; Della Sala absent)
15. Authorizing Purchase of the AutoVu Sharp- License Plate Recognition System for the Parking Division (Public Facilities -)
Action: Adopted Resolutions No. 09-172 C.S. and 09-173 C.S. Appropriation of funds (4-0-1; Della Sala absent)

Other

16. Appointment of Representative to the Water Master Committee (Information Resources - 702-04)
Action: Reappointed Della Sala as representative, Downey as alternate and Green as staff alternate (4-0-1; Della Sala absent)
17. Reward for Information Leading to Arrest of Vandals of Historic Monument (City Manager - 209-08)
Action: Approved (4-0-1; Della Sala absent)

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

PUBLIC COMMENTS

Vice Mayor Selfridge opened the floor for public comments on items not on the agenda. Harold Krotzer, Josselyn Canyon Road resident, read and submitted into the record the text of a petition asking for clean-up of a lot owned by Steve Avila. He said that the property owner is using it as a corporation yard, and Mr. Krotzer has videos that he will give to the Code Enforcement Officer. Ruth Krotzer said that Monterey is rich with history, and she is sad that the state-owned historic buildings were scheduled for closure to the public. She thanked the Council for a recent letter sent to State Parks to keep the buildings open. With no further requests to speak, Vice Mayor Selfridge closed public comments.

PUBLIC APPEARANCE

18. Budget Update - Review of 2008-09 4th Quarter Financial Report (Finance - 406-03)
Action: Reviewed and discussed

Finance Director Rhoads presented the staff report, and City Manager Meurer provided additional information.

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

Councilmembers discussed the report.

RECESS 5:04 p.m. RECONVENE 7:00 p.m.

Vice Mayor Selfridge called a recess at 5:04 p.m., then reconvened the meeting at 7:00 p.m. All Councilmembers were present except Mayor Della Sala, who was attending a meeting in Sacramento.

CONTINUED PUBLIC COMMENTS

Vice Mayor Selfridge opened the floor for public comments on items not on the agenda. No one came forward, and she closed public comments.

It was moved by Councilmember Downey, seconded by Councilmember Haferman, and carried by the following vote to continue Item No. 21 to November 17, 2009:

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

It was moved by Councilmember Downey, seconded by Councilmember Sollecito, and carried by the following vote, to continue Item No. 22 to October 27, 2009:

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

PRESENTATIONS

19. Presentation by Dr. Marilyn K. Shepherd, Superintendent, Monterey Peninsula Unified School District (City Manager - 706-03)

Action: Received and discussed presentation

Dr. Marilyn K. Shepherd gave a presentation regarding MPUSD and reviewed the status of the budget. Assistant Superintendent Kari Yeater gave a report on student achievement improvements within the district. Dr. Shepherd presented details of options being reviewed for future school reconfiguration and facilities planning.

On question, she said that the intent of No Child Left Behind is good, but some of the requirements present difficulties. She said that the District is committed to working with the military, and they are an excellent partner.

Councilmember Haferman noted that the perception of the school district has improved during Dr. Shepherd's tenure. He noted that the Old Town neighborhood often perceives the military tenants at Larkin school to be problematic. Dr. Shepherd explained that due to the small capacity of Larkin School, she does not foresee it being reopened as a school. On question, Ms. Yeater reviewed the bilingual programs being offered at MPUSD. Dr Shepherd answered questions regarding how schools are reviewed for potential closure.

Vice Mayor Selfridge opened the floor for public comment. Bob Oliver asked why California schools are now ranked near the bottom of all states. Dr. Shepherd said that Proposition 13 and other funding mechanisms have affected the quality of the educational programs in California. Having no further requests to speak, Vice Mayor Selfridge closed public comment on the item.

CONTINUED PUBLIC HEARING

20. Consider Planning Commission Recommendation to Adopt Resolution Adopting Negative Declaration; and Adopt Ordinance Amending Monterey City Code (Continued from the October 6, 2009 Meeting): (Plans and Public Works - 701-11)
Action: Adopted Resolution No. 09-174 C.S. and passed ordinance to print
- a. Section 33-9 (Residential Condominium Subdivisions) to Clarify Permitting Procedures and to Add a Process for Resolving Disagreements Between Developer and Tenant
 - b. Section 38-26 (Supplemental Regulations Applicable in R Districts) to Incorporate 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

Principal Planner Cole presented the staff report and answered Councilmembers' questions.

Vice Mayor Selfridge opened the Public Hearing, and with no requests to speak, closed the hearing.

On a motion by Councilmember Sollecito, seconded by Councilmember Downey, and carried by the following vote, the City Council adopted Resolution No. 09-173 C.S. and passed the ordinance to print.

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

Councilmember Downey said that she hopes these changes will have a positive effect on protecting the residents

PUBLIC APPEARANCE

21. Consideration of Reduction in Size of Membership and Number of the City's Boards and Commissions - Continued from the September 1, 2009 Meeting (Della Sala - 701-07)
Action: Continued to November 17, 2009
22. Consider Requesting that the Transportation Agency of Monterey County (TAMC) Conduct Equal Levels of Environmental Analysis on Both Light Rail Transit (LRT) and Bus Rapid Transit (BRT) Alternatives for the Proposed Monterey Branch Line Corridor. (Plans and Public Works - 1001-03)
Action: Continued to October 27, 2009 at 7:00 p.m.

Vice Mayor Selfridge stated that the discussion on this item would take place at an adjourned meeting on October 27 at 7:00 p.m.

COUNCIL COMMENTS

Councilmember Sollecito said that he wants to assure that the topic of financing storm drains, sewage systems, and other infrastructure is planned for a future agenda.

Councilmember Downey thanked the City Staff for their work during the recent storm. She noted that she has received a lot of comments regarding the State Theater, and that matter would be discussed at a future Council meeting.

Councilmember Haferman said that he has been getting a lot of comments regarding the lack of parking near Larkin school and excessive speeding, particularly in the morning. He asked about the ridership on the MST busses going to and from DLI, and Councilmember Downey affirmed that the busses are heavily used. Councilmember Haferman asked if offers for legal representation of the City in the cross issue are public record. City Attorney Mall said that they are public record. Councilmember Haferman announced the Fire Department open house on Saturday to celebrate 125 years.

Vice Mayor Selfridge thanked staff for their work in the storm. She said that PG&E has offered to attend neighborhood meetings to explain their storm procedures. She said that the "Sea of Joe" movie will be presented at 6:00 p.m. this Thursday at the Conference Center.

Councilmember Sollecito noted that citizens were using their push brooms cleaning the streets after the storm, and he thanked them,

CITY MANAGER REPORTS


City Manager Meurer reiterated that there would be an adjourned meeting on October 27, 2009 at 7:00 p.m. to discuss the TAMC issue. He said there would be a study session on October 28 at 4:00 p.m., and a Joint Meeting with the Planning Commission on November 10 at 7:00 p.m.

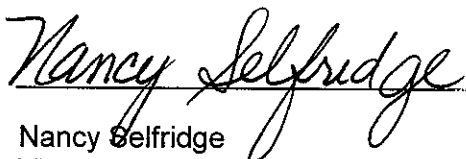
ADJOURNMENT – 8:13 p.m. to October 27, 2009 at 7:00 p.m.

With no further business to come before the City Council, Vice Mayor Selfridge adjourned the meeting at 8:13 p.m. to October 27, 2009 at 7:00 p.m.

Respectfully Submitted,

Approved,

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Bonnie Gawf
Director of Information Resources / City Clerk


Nancy Selfridge
Vice Mayor