

MINUTES
CITY COUNCIL REGULAR MEETING
CITY OF MONTEREY
Tuesday, December 15, 2009
4:00 - 5:30 p.m. 7:00 - 11:00 p.m.
COUNCIL CHAMBER, FEW MEMORIAL H.
MONTEREY, CALIFORNIA

COUNCIL MEETING: Jan. 5, 2010

AGENDA ITEM: 1

SERIES: 701-09

Councilmembers

Present: Councilmembers Downey, Haferman, Selfridge, Sollecito, Mayor Della Sala
Absent: None

City Staff Present: City Manager, City Attorney, Assistant City Manager, Director of Information Resources/City Clerk, Finance Director, Fire Chief, Human Resources Director, Assistant Library Director, Deputy Police Chief, Recreation & Community Services Director, Assistant Director Plans and Public Works, Chief of Planning & Engineering, Principal Planner, Senior Planner, City Forester

CALL TO ORDER

Mayor Della Sala called the meeting to order at 4:00 p.m.

CONSENT ITEMS

City Manager Meurer asked the City Council to table Item 10 so additional staff work could be completed. Councilmember Downey asked to remove Item 8 for a separate discussion.

On a motion by Councilmember Selfridge, seconded by Councilmember Haferman, and carried by the following vote, the City Council approved the Consent Agenda, except Item 8, which was removed for separate discussion and Item 10, which was tabled.

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

On a motion by Councilmember Haferman, seconded by Councilmember Selfridge, and carried by the following vote, the City Council tabled Item 10.

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

Minutes

1. December 1, 2009 (Information Resources - 701-09)
Action: Approved

Ordinances

2. Second Reading - Adopt Ordinance Amending Monterey City Code Section 38-15 to Eliminate Adult Massage and Add Massage Establishments and Escort Services to the Definition of Personal Services; Section 38.33.L to Eliminate References to Adult Massage Businesses; and Section 38-31 to Add Personal Services to List of Allowed Uses in the Commercial Office and Professional Zoning Designation (Plans and Public Works - 203-07)
Action: Adopted Ordinance No. 3438
3. Second Reading - Ordinance Amending Chapter 25 , Section 12.02 "Sick Leave" to Include a Provision Authorizing the Use of Advanced Sick Leave (Human Resources - 502-07)
Action: Adopted Ordinance 3439
4. First Reading - Amending Monterey City Code Chapter 20 - Motor Vehicles and Traffic: To Prohibit, with Certain Exceptions, Mobile Billboard Advertising (Police - 607-11)
Action: Passed Ordinance to print

Resolutions

5. Authorizing Appropriation of Funds in the Library Trust Fund for the Fund Development Coordinator Position (Library - 406-04)
Action: Adopted Resolution No. 09-206 C.S.
6. Accepting Planning Office Work Program Goals for Fiscal Years 2009-2011 that Consolidate Planning Commission, Architectural Review Committee, and Historic Preservation Commission Work Program Items (Plans and Public Works - 701-01)
Action: Adopted Resolution No. 09-207 C.S.
7. Approving the Purchase of Replacement Equipment for the Monterey Sports Center and Authorizing the Transfer and Appropriation of Funds (Recreation - 301-01)
Action: Adopted Resolution No. 09-208 C.S.
8. Amending Resolution 03-32 to Add Civil Penalty for Damaged Trees on Public or Private Property (Plans and Public Works - 810-01)
Action: Removed from Consent; discussed; adopted Resolution No. 09-209 C.S.

Urban Forester Reid presented the staff report.

Councilmember Downey expressed concerns regarding the amount of the fees in comparison to nearby agencies' fees. Councilmember Haferman voiced concerns about assessing penalties against a person who makes an honest mistake.

Mayor Della Sala opened the floor for public comments on the item. Ansel Thoeney, New Monterey resident, spoke in support of the ordinance. Assistant Urban Forester Morton said that many cities across the country impose even more severe penalties that have been upheld by the courts. Having no further requests to speak, Mayor Della Sala returned discussion to the dais.

On a motion by Councilmember Sollecito, seconded by Councilmember Downey, and carried by the following vote, the City Council adopted Resolution No. 09- 209 C.S., amending Resolution 03-32 to add a civil penalty for damaged trees on public or private

property:

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

9. Authorizing Participation in Initial Exploration and Analysis of Joint Sub-Regional Fire Service Options (Fire - 601-05)
Action: Adopted Resolution No. 09-210 C.S.
 10. Amending Resolution 07-224 C.S. Revising Scope of Work for the Presidio Municipal Services Agency (PMSA) - Defense Manpower Data Center (DMDC) Second Floor Offices and Meeting Rooms Tenant Improvements Project and Approving Related Funding ***PMSA*** (Plans and Public Works - 405-04)
Action: Tabled
 11. Authorizing the Application for, and Acceptance of, an Energy Efficiency and Conservation Block Grant from the California Energy Commission to Implement Energy Efficient Measures (ARRA) (Plans and Public Works - 802-12)
Action: Adopted Resolution No. 09-211 C.S.
 12. Authorizing a New Eighteen-Month Pre-Commitment of Water to 459 Alvarado Street for Affordable Housing from the City's Affordable Housing Allocation (Plans and Public Works - 203-02)
Action: Adopted Resolution No. 09-212 C.S.
 13. Extending the Approved Locals Parking Program in the Cannery Row Garage and Waterfront Attendant Parking Lot Through May 31, 2010 (Public Facilities - 901-06)
Action: Approved
- Other**
14. Appointing Representatives to Outside Agencies and City Subcommittees (Information Resources - 701-04)
Action: Approved
 15. Appointment of Vice Mayor for 2010 (Information Resources - 701-01)
Action: Appointed Councilmember Sollecito as Vice Mayor for 2010

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

PUBLIC COMMENTS

Councilmember Selfridge announced that a resolution has been passed acknowledging December 17 as a Day of Inclusion recognizing immigrants' contributions.

Mayor Della Sala opened the floor for Public Comments. Melissa Thooney voiced concerns about the cutting of trees at the Senior Center and asked Council to review the matter carefully. Lauren Cohen, Executive Director of MY Museum, thanked the City Council for their support and gave a brief report on the new location. Ansel Thooney,

Monterey resident, agreed with a previous speaker about saving the trees at the Senior Center. Having no further requests to speak, Mayor Della Sala closed public comment.

On request of the Mayor, City Manager Meurer stated that the matter of removing the trees will be addressed at a public ARC meeting. City Forester Reid explained that the trees are planted in a location that cannot sustain them, and they have become a danger to the public.

PUBLIC APPEARANCE

- 16. Receive Status Update on the North Fremont Specific Plan and Consider Appointing City Council Members to the North Fremont Specific Plan Subcommittee (Plans and Public Works - 201-13)

Action: Received report and public comment; appointed Councilmembers Haferman and Selfridge to the North Fremont Specific Plan Subcommittee

Principal Planner Caraker presented the staff report.

Councilmember Haferman submitted a letter from Leslie Svetich, Vice President of the North Fremont Business Association, that requests that a member from that association be appointed to the subcommittee. Ms. Karaker said that the plan includes public participation from the association. City Manager Meurer said that it is important to gain a wide spectrum of input from all stakeholders, which will be actively pursued through the public process.

Mayor Della Sala opened public comment on the item. Mary Alice Cerrito-Fettis, North Fremont Business Association Board Member, reviewed the process for the streetscape plan and thanked the City Council. She clarified that Ms. Svetich's letter represents the Board of Directors. Having no further requests to speak, Mayor Della Sala returned the discussion to the City Council.

On a motion by Councilmember Downey, seconded by Councilmember Sollecito, and carried by the following vote, the City Council appointed City Council Members Haferman and Selfridge to the North Fremont Specific Plan Subcommittee:

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

*****Adjourn to Closed Session*****

The City Council adjourned to Closed Session at 5:05 p.m. Council recessed at 5:30 and reconvened at 7:00 p.m.

ANNOUNCEMENTS FROM CLOSED SESSION

Information Resources Director/City Clerk Gawf announced that in a conference with legal counsel regarding anticipated litigation, on a unanimous roll call vote, the City Council gave confidential direction to their negotiators.

CONTINUED PUBLIC COMMENTS

Mayor Della Sala reopened the floor for public comments on items not on the agenda. Mary Ann Finocchi, Old Town resident, complimented staff on this afternoon's staff report and the formatting of the slides. She said that she hopes a similar process can be used for Old Town.

Geraldine Low-Sabado said that ACR 76 declares December 17, 2009 as a Day of Inclusion for all immigrants' contributions, and she asked Monterey to join with the California State Legislature in this resolution. Having no further requests to speak, Mayor Della Sala closed public comments.

PUBLIC HEARING

Councilmember Haferman explained the State Law regarding conflicts of interest, and said that he must recuse himself from participating in this matter because he owns property within 500 feet of the subject property. Councilmember Selfridge also recused herself due to a potential conflict of interest because of property she owns within 500 feet of the subject property. Both Councilmembers left the Chamber at 7:09 p.m.

17. Appeal of a Planning Commission Decision Upholding an Architectural Review Committee Decision to Approve Application 08-296 for Exterior Modifications to an Existing Multi-Family Building located at 414 Larkin Street in the R-3-6 Zoning District; Appellant Guiseppe Managuerra; Owner/Applicant Nelson Vega (Plans and Public Works - 203-02)

Action: Held Public Hearing; denied the appeal; and upheld the decisions of the Planning Commission and ARC (2-1-2; Downey voting no, Haferman and Selfridge not participating due to a potential conflict of interest)

Senior Planner Ebbs presented the staff report.

Mayor Della Sala opened the floor to the appellant. Michael Stamp, speaking on behalf of Mr. Managuerra, said that there are implications to the City's land use policy: consistency with the Old Town Area plan; impacts on privacy, noise, and light; impacts on residential buildings; and the integrity of the planning processes. He asked Council to uphold the appeal.

Mayor Della Sala opened the hearing to the general public. Mary Ann Finocchi, Old Town Chairperson, opposed the previous decisions and supported the appeal. Colleen Sullivan, Old Town resident and Board member, supported the appeal and supported a compromise solution. Alicia Managuerra asked that the sliding glass doors be removed and original windows returned.

Bob Grimes, Old Town resident, referenced the Old Town Area Plan and supported the appeal. Valerie Lane, Monterey resident, supported the appeal and voiced concerns regarding safety. Terry Latassa, ARC member and Acting Chair at the July 15 meeting, clarified that the ARC's Public Hearing was held according to the normal procedure. He gave a brief summary of the proceedings, and offered to answer questions.

Bob Oliver, Monterey resident, voiced concerns about proceedings being conducted in a lawful manner and supported upholding the appeal. Nelson Vega noted that he has turned in a petition that opposes the appeal. He described the process. William Walker spoke in support of the project and opposed the appeal. He noted that there are possibly as many multiple family structures as there are single family homes in the neighborhood.

Charlie Hornisher, architect representing Mr. Vega, reviewed the project history, saying

that the proposed privacy walls effectively reduce the size of the opening of the window and reduce the light and sound by 20.8%. Guiseppe Managuerra noted that these are doors, not windows, and he supported the appeal. Ms. Walker, Monterey resident, said that there has never been one complaint made on this building since it has been owned by Mr. Vega. She opposed the appeal.

Mayor Della Sala opened the floor to the appellant for a rebuttal. Mr. Stamp said that the question for the City Council is in making land use policy and the possibility of setting precedent. Mayor Della Sala closed the Public Hearing.

On question, staff said that the only precedent is that the project was determined to be consistent with the Area Plan. Mayor Della Sala said that this is a unique project and would not lend itself to precedent setting. He said that the facts indicate that the ARC and Planning Commission did not err. Councilmember Sollecito noted that it is the job of the City to work with citizens within legal boundaries to come to a win-win solution. Councilmember Downey noted that this is a very high density area and she would not want to further impinge on anyone's privacy. She said that the sliding doors would aggravate privacy issues and she does not find the proposal visually attractive.

Councilmember Downey moved to uphold the appeal, and the motion died for lack of a second.

On a motion by Mayor Della Sala, seconded by Councilmember Sollecito, and carried by the following vote, the City Council denied the appeal of a Planning Commission decision upholding an Architectural Review Committee decision to approve application 08-296 for exterior modifications to an existing multi-family building located at 414 Larkin Street in the R-3-6 Zoning District:

AYES:	2	COUNCILMEMBERS:	Sollecito, Della Sala
NOES:	1	COUNCILMEMBERS:	Downey
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	2	COUNCILMEMBERS:	Haferman, Selfridge

Mayor Della Sala called a recess at 8:35 p.m., then reconvened the meeting at 8:46 p.m.

PUBLIC APPEARANCE

18. First Quarter Budget Review (Finance - 406-01)

Action: Received Report

City Manager Meurer introduced the item, and Finance Director Rhoads presented the staff report.

Mayor Della Sala opened the floor for public comment on the item. Bob Oliver noted that the newspaper says the economy is turning around, but one should not believe everything they read. He commended the City Manager, thanked the City Council for keeping the City strong, and voiced concerns about people falling through the cracks. Having no further requests to speak, Mayor Della Sala closed public comments on the item.

COUNCIL COMMENTS

Councilmember Sollecito said that Sacramento needs to be completely changed, and the

League of California Cities is working on a 2010 ballot measure that will prevent the State from taking local revenues. He reported that there is a press conference tomorrow at the Aquarium welcoming the BLUE Festival that is moving to Monterey from Savannah next August. Mr. Sollecito said that he has been appointed to the labor relations board for the League of California Cities. He reported that the Trinity Christian School has opened Downtown.

Councilmember Downey reported on her trip to Gonzalez to see the schools' composting efforts, and stated that there is a possibility of starting that program in Monterey. She said that she believes that some of the parking problems will be improved at Trader Joe's. Ms. Downey said that MST will be adding information to the 2-1-1 system. She asked to agendize the Ruhnke report on the Downtown, and Mayor Della Sala said that he and the Vice Mayor will consider that topic after the first of the year. Ms. Downey said that she and Planning Commissioner Stocker would like to be part of that. She voiced disappointment that the City would not be participating in a grant application for financing solar panels. City Manager Meurer explained that the City could not take on this project because staffing is limited, and he noted that Monterey could put our environmental accomplishments up against any other city in California.

Councilmember Selfridge commended Monterey Peninsula College on their public safety building. She congratulated Alice Jordan, Seaside's Woman of Achievement.

Councilmember Haferman said that he was in Phoenix last week and had the opportunity to ride both light rail and bus rapid transit while he was there. He encouraged Councilmembers to try both systems when they are traveling.

Mayor Della Sala said that Monterey has an excellent staff, and noted that Big Sur Marathon worked with City staff to become a zero-waste event. He said that there is a lot to be proud of in the City.

CITY MANAGER REPORTS

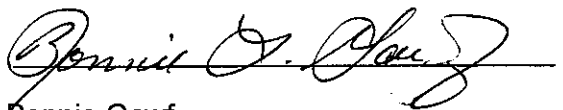
City Manager Meurer apologized for the traffic situation at Del Monte Center yesterday that was due to a lack of coordination of projects between City departments. He reported that tomorrow is the first anniversary of the consolidation of Monterey and Pacific Grove Fire Departments. He elaborated on the success of that agreement.

ADJOURNMENT

Having no further business to come before the City Council, Mayor Della Sala adjourned the meeting at 9:33 p.m.

Respectfully Submitted,

Approved,


Bonnie Gawf
Director Information Resources / City Clerk

Chuck Della Sala
Mayor