

**MINUTES
CITY COUNCIL REGULAR MEETING
CITY OF MONTEREY
Tuesday, April 18, 2023
4:00 PM 7:00 PM
COUNCIL CHAMBER, 580 PACIFIC ST.
MONTEREY, CALIFORNIA**

Councilmembers

Present: Barber, Garcia, Haffa, Smith, Williamson

Absent: None

City Staff

Present: City Manager, Assistant City Manager, City Attorney, Community Development Director, Police Chief, Parks and Recreation Director, Finance Director, Fire Chief, Library & Museums Director, City Clerk, Property Manager, Senior Engineer, Police Lieutenant, Police Lieutenant, Police Lieutenant, Fire Captain, Firefighter

*****Afternoon Session Agenda *****

CALL TO ORDER

Mayor Williamson called the meeting to order at 4:00 p.m. City Clerk Klein called the roll as highlighted above, and explained to the public how to participate in the meeting virtually.

PLEDGE OF ALLEGIANCE

Councilmember Barber led the Pledge.

PRESENTATIONS

1. Recognition of Defense Language Institute Quarterly Joint Service Awards (Not a Project Under CEQA per Article 20, Section 15378, and Under General Rule Article 5, Section 15061)
Action: Presented proclamations to award recipients

The Mayor and Council honored Sergeant Mitchell Lacey (U.S. Marine Corps), Technical Sergeant Alec Richardson (U.S. Air Force), and Airman 1st Class Corey Case (U.S. Air Force), each of whom made brief remarks in their studied language, in thanks for the opportunity and recognition. Public comment was not received.

PUBLIC COMMENTS (MATTERS NOT ON AGENDA)

Public comment on non-agendized matters was received from Steve Lightfoot, Tina Wong, Lorna Moffat, Audrey Hillen, Ross Pounds, and Nick Errichetto.

CONSENT ITEMS

Item 3 was pulled from Consent at the request of the public. Public comment on the Consent Items was not received.

City Council Minutes

On a motion by Councilmember Smith, seconded by Councilmember Barber, and carried by the following roll-call vote, the City Council approved the CONSENT ITEMS, except Item 3:

AYES:	5	COUNCILMEMBERS:	Barber, Garcia, Haffa, Smith, Williamson
NOES:	0	COUNCILMEMBERS:	(None)
ABSENT:	0	COUNCILMEMBERS:	(None)
ABSTAIN:	0	COUNCILMEMBERS:	(None)
RECUSED:	0	COUNCILMEMBERS:	(None)

Approval of Minutes

- 2. April 4, 2023 Regular Meeting (Not a project under CEQA per Article 20 Section 15378 and under General Rule Article 5 Section 15061)

Action: Approved

Award of Construction Contracts

- 3. Award a Construction Contract in the Amount of \$1,630,297.00 to P. Brannon Corporation for the Iris Canyon Sediment Removal Project (Mitigated Negative Declaration for the Iris Canyon Sediment Removal Project approved on May 26, 2020) ***CIP***

Action: Pulled from Consent; Adopted Resolution No. 23-043 C.S. as amended to add language to the project description for the contractor stating that where possible, mature trees be preserved so long as it doesn't create a change to the CEQA project description

Acting City Engineer Harty gave the staff presentation and answered Councilmembers' questions.

Public comment was received from Nick Errichetto, who volunteered to assist with tree replanting, and Lorna Moffat, who requested to delay acting on the proposal and seek further expert opinions, citing environmental concerns.

The Council expressed the importance of restoring the creek bed and improving health and safety for users of the area.

A motion was introduced by Councilmember Haffa, and seconded by Councilmember Smith, to adopt Resolution No. 23-043 C.S. to Award a Construction Contract in the Amount of \$1,630,297.00 to P. Brannon Corporation for the Iris Canyon Sediment Removal Project, as amended to add language to the project description for the contractor stating that where possible, mature trees be preserved so long as it doesn't create a change to the CEQA project description.

On question, Acting City Engineer Harty provided an example of how herbicides would be used and explained that such use was the the expressed least preferred option for removing invasive species.

The motion carried by the following roll-call vote:

AYES:	5	COUNCILMEMBERS:	Barber, Garcia, Haffa, Smith, Williamson
NOES:	0	COUNCILMEMBERS:	(None)
ABSENT:	0	COUNCILMEMBERS:	(None)
ABSTAIN:	0	COUNCILMEMBERS:	(None)
RECUSED:	0	COUNCILMEMBERS:	(None)

City Council Minutes

Resolutions

- 4. Authorize Acceptance of the Board of State and Community Corrections (BSCC) 2022-2023 Officer Wellness and Mental Health Grant in the amount of \$32,997.89 and Appropriate the Funds (Not a project under CEQA Article 20, Section 15378 and under General Rule Article 5, Section 15061)

Action: Adopted Resolution No. 23-044 C.S.

- 5. Accept and Appropriate \$275,635.25 in Grant and Donated Funds to the 2022-2023 Library Trust Fund Budget and Authorize Increased Purchase Price for Bookmobile (Not a Project Under CEQA per Article 20, Section 15378 and Under General Rule Article 5, Section 15061)

Action: Adopted Resolution No. 23-045 C.S.

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

Adjourn to Successor Agency of the Redevelopment Agency Meeting: Consent Agenda

The Council adjourned to the Successor Agency of the Redevelopment Agency meeting.

- 6. Adopt a Resolution Directing the Notification to the County Consolidated Oversight Board Regarding the Disposition of Assets in Connection with the Successor Agency’s Dissolution, Directing Dissolution Upon the County Consolidated Oversight Board's Adoption of the Final Resolution Pursuant to Health and Safety Code Section 34187(e) (Exempt from CEQA Section 15061(b)(3))

Action: Adopted SA/RDA Resolution No. 868

On a motion by Successor Agency Member Ed Smith, seconded by Successor Agency Member Kim Barber, and carried by the following roll-call vote, the Successor Agency to the Redevelopment Agency adopted Resolution No. 868 Directing the Notification to the County Consolidated Oversight Board Regarding the Disposition of Assets in Connection with the Successor Agency’s Dissolution, Directing Dissolution Upon the County Consolidated Oversight Board:

AYES:	5	AGENCY MEMBERS:	Barber, Garcia, Haffa, Smith, Williamson
NOES:	0	AGENCY MEMBERS:	(None)
ABSENT:	0	AGENCY MEMBERS:	(None)
ABSTAIN:	0	AGENCY MEMBERS:	(None)
RECUSED:	0	AGENCY MEMBERS:	(None)

Adjourn to City Council Meeting

The Successor Agency adjourned to the City Council meeting.

PUBLIC APPEARANCE

- 7. Receive Annual Report and Renew the Military Equipment Purchase and Use Ordinance - Monterey City Code, Chapter 27, Article 3, Section 27-10, and Authorize the Acquisition of Additional Military Equipment Including Five Unmanned Aircraft Systems and a Crisis Negotiating Team Command Vehicle (Not a Project under CEQA Article 20, Section 15378 and under General Rule Article 5, Section 15061)

Action: Adopted Resolution No. 23-046 C.S.

City Council Minutes

Assistant Police Chief Bruno gave the staff presentation and answered Councilmembers' questions together with Police Chief Hober. On question, Police Chief Hober agreed that a drone policy would be brought before the Council within six months to a year.

Public comment was received from Lorna Moffat, who expressed concern about militarization of the police and asked whether the drones would be weaponized, and Pat McNeill, who asked that the Police Department make it very clear to the public that they are not running an aggressive military operation.

On question from the public, Assistant Police Chief Bruno clarified that the drones would not be armed.

The Council discussed the matter, requesting that the Police Department conduct greater outreach to publicize this annual discussion in future years.

On a motion by Councilmember Smith, seconded by Councilmember Haffa, and carried by the following roll-call vote, the City Council adopted Resolution No. 23-046 C.S. Receiving the Annual Report and Renewing the Military Equipment Purchase and Use Ordinance - Monterey City Code, Chapter 27, Article 3, Section 27-10, and Authorize the Acquisition of Additional Military Equipment Including Five Unmanned Aircraft Systems and a Crisis Negotiating Team Command Vehicle:

AYES:	5	COUNCILMEMBERS:	Barber, Garcia, Haffa, Smith, Williamson
NOES:	0	COUNCILMEMBERS:	(None)
ABSENT:	0	COUNCILMEMBERS:	(None)
ABSTAIN:	0	COUNCILMEMBERS:	(None)
RECUSED:	0	COUNCILMEMBERS:	(None)

***** Adjourn to Closed Session (See additional agenda) *****

Public comment on the closed session was not received. The Council adjourned to closed session at 5:26 p.m.

RECESS

The Council recessed at 5:34 p.m.

RECONVENE

The Council reconvened at 7:00 p.m.

***** Evening Session Agenda *****

CONTINUED PUBLIC COMMENTS (MATTERS NOT ON AGENDA)

Public comment on non-agendized matters was received from Demetrius Kastros and Esther Malkin.

ANNOUNCEMENTS FROM CLOSED SESSION

City Clerk Klein announced:

cs1. Conference with Legal Counsel, Existing Litigation Pursuant to Government Code section 54956.9(d)(1):

City Council Minutes

1. Lynne Denley v. City of Monterey, et. al (Monterey County Superior Court Case No. 23CV000133)
2. Clara Gilliland v. City of Monterey (Monterey County Superior Court Case No. 22CV003170)
3. Francisca Moralez v. City of Monterey et al. (United States District Court Norther District of California Case No. 22-CV-07540)
4. Yessenia Garcia Reveles, et al. v. City of Monterey et al (Monterey County Superior Court Case Nos. 22CV003162 and 22CV000736)
5. Richard Rosendale v. City of Monterey (Monterey County Superior Court Case No. 23CV000879)
6. Pacific Western Bank v. City and Stronghold Engineering, Inc. (San Bernardino Superior Court Case No. CIVSB2212212)
7. Stronghold Engineering, Inc. v. City of Monterey (Santa Clara County Superior Court Case No. 18CV329015; Sixth District Court of Appeal Case No. H050157)
8. Stronghold Engineering, Inc. v City of Monterey (Riverside County Superior Court Case No. CVR12103427; Fourth District Court of Appeal, Division 2, Case No. E080304)
9. Cynthia Wills v. City of Monterey (United States District Court, Northern District of California, San Francisco Division Case No. 21-CV-01998 EMC)
10. Sichel Young v. City of Monterey, et al (Monterey County Superior Court Case No. 22CV002243)

Action: On a unanimous roll call vote, the Council gave confidential direction to its legal counsel on the matter of Clara Gilliland v. City of Monterey. The remaining items were continued to the evening.

It was proposed by the Council to hear Item 9 as the first matter in the evening session. Public comment was not received on the proposal.

On a motion by Mayor Williamson, seconded by Councilmember Garcia, and carried by the following roll-call vote, the City Council determined they would hear Item 9 first, and then Item 8:

AYES:	5	COUNCILMEMBERS:	Barber, Garcia, Haffa, Smith, Williamson
NOES:	0	COUNCILMEMBERS:	(None)
ABSENT:	0	COUNCILMEMBERS:	(None)
ABSTAIN:	0	COUNCILMEMBERS:	(None)
RECUSED:	0	COUNCILMEMBERS:	(None)

PUBLIC APPEARANCE (EVE)

9. Receive Reports and Provide Direction on the City's Housing Program, Legal Framework for Tenant Protections, Vacancy Tax and Rental Registry (Not a Project Under CEQA per Article 20, Section 15378 and Under General Rule Article 5, Section 15061)

Action: Council directed staff to begin work on a rental registry and return to Council in the future with more information on rent stabilization options (4-1, Councilmember Smith voting no)

This item was heard first in the evening session pursuant to the Council's above vote.

Community Development Director Cole and Nazanin Salehi, outside counsel with Goldfarb & Lipman LLP, gave the staff presentation and answered Councilmembers' questions.

Public comment stressing that there was pent-up demand for housing supply and urging creativity in finding solutions was received from: Kevin Dayton, of Monterey Peninsula Chamber of Commerce; Logan Jensen; Adam Pinterets, of Monterey County Association of Realtors; Kathy Anderson; Demetrius Kastros; and Arleen Hardenstein.

City Council Minutes

Public comment providing insight into housing-related quality of life issues and urging the Council to protect renters was received from: an unidentified Middlebury Institute of International Studies student; Rona Alag; Maria; Sarah Blake; Kelly deWolfe, of United Way Monterey County, who shared statistics from the City of Monterey during the rental assistance program offered during the COVID-19 pandemic; and Kent Glenzer, of Gathering for Women, who shared that the number of precariously housed and unhoused women had surged in the prior few months.

Public comment focusing on the concept of a vacancy tax was received from: Lori Avey, who said that successful vacancy taxes help to increase housing supply and fund affordable housing programs, and that a vacancy tax should be based on the percentage of assessed property value; Golden Oak, who expressed concerns about rent control, spoke in favor of vacancy tax, and asked Council to find ways to incentivize owners either renting or letting go of their vacant properties; and Amanda Preece and Alora Daunt, who both spoke in favor of a vacancy tax.

Public comment focusing on the concept of a rental registry was received from: Lori Mazzuca, who spoke about the City of Alameda's rental registry and stated it reduced housing availability and increased rents; and Darius Mohsenin, who said a rental registry should also help landlords to submit documentation, and suggested an ombudsman for landlord-tenant disputes similar to the City of San Leandro's Rent Review Program.

Public comment voicing support for various protections (including a rental registry, rental assistance, regulating rental rates, strengthening just cause for eviction, limits on security deposits, requiring application fees to be refunded or applied to first-month rent, and a vacancy tax) was received from: Gabe, who suggested tying an emergency rental assistance program to accomplishing the City's unmet Regional Housing Needs Analysis ("RHNA") goals; Esther Malkin; Melissa; Elena Loomis; Kala Fossum, of Villa Del Monte Neighborhood Association; MaryAnn Boylan, who stated that housing needs are related to climate, citing that 86% of Monterey's workforce commutes into the City daily; and Jean Rasch.

Public comment voicing concern on behalf of landlords was received from: Monica Lal, of Monterey Peninsula Chamber of Commerce, who said that tenant protections would be a burden to landlords; Nelson Vega, who asked Council to allow the marketplace to work, and expressed concerns about unintended consequences of rent control; and an unnamed man, who shared details of difficulties and financial challenges that landlords can experience.

Public comment was also received from: Barbara Meister, of Monterey Bay Aquarium, who said she looked forward to engaging with the Council on solutions; and John Tilley, of Monterey Commercial Property Owners Association, who focused on the water moratorium as the main hurdle to a housing solution.

The Council recessed from 9:55 p.m. to 10:06 p.m.

The Council discussed the matter. The students who spoke were praised for their participation. It was stated that even if a water supply became available and the RHNA numbers were accomplished, there were decades worth of pent-up demand for housing supply. It was stated that capitalism works well when there is competition and free access to resources needed to compete, but that this was not the situation in Monterey due to the water issue. It was questioned whether there could ever be enough housing supply to satisfy the demand to live on the coast.

The Council noted that there had been a "constant drum beat of concerns" from renters and other stakeholders about housing issues. Interest was expressed in having staff come back with

City Council Minutes

more details showing more specific information about how various protections would work for Monterey. Equity was discussed, with it noted that many individuals could not attend or call in to the meeting due to their busy schedules working multiple jobs to make ends meet. It was stated that no one individual tool could be the sole solution, and that moving forward and doing nothing shouldn't be an option.

Regarding the concept of a rental registry, it was stated that the cost was not insignificant, but that the evidence provided by the consultant made the Council believe it would be a good investment into finding ways to support tenants and landlords. It was stated that the data was needed that a rental registry could provide, and that the money to support the program could be found, including through enforcement (similar to the City's newly created business license inspector position). It was stated that a task force may not be necessary. It was suggested to conduct periodic audits of a rental registry.

Regarding the potential to assist with mediation between tenants and landlords, it was stated by Council that ECHO may not be able to provide the needed service, and that their services may need to be augmented or mediation could be utilized in conjunction with a rental registry.

Regarding creating just cause eviction protections, it was stated that augmenting such protections would make sense.

Regarding rent stabilization, interest was expressed in a lower limit than the State's 10% and the Council stated they were compelled to do make the limit more reasonable to the extent that would be feasible.

Regarding rental assistance, the Council expressed interest and stated that framing it as an emergency housing assistance program would also help homeowners who need assistance.

Regarding a vacancy tax, comments by the Council were made in favor, stating that it was a moral issue. Comments were also made with a more neutral stance stating that voters may not pass such a tax, and that perhaps the public could pursue a ballot measure. It was stated that such a tax could be complicated to enforce and that there was a lawsuit in progress in San Francisco. It was stated that the City could ask staff to set up a road map to look into how the City could disincentivize owners from keeping units vacant when there was a significant supply issue.

Regarding rental applications, it was suggested that the City could work with landlords to create one application fee and a common application, which would support equitability, and that the City could share sample lease agreements and other resources on its website.

On question, Community Development Director Cole provided Council with information on how ECHO Housing worked to assist in landlord-tenant disputes.

Concern was expressed about the risk of unintended consequences and the potential for tenant protections to increase rents. It was suggested to know more about Senate Bill (SB) 567 before tasking City staff with coming back with a model, increasing bureaucracy, and risking scaring the market.

A motion was introduced by Mayor Williamson, and seconded by Councilmember Haffa, to extend the meeting to end no later than 11:45 p.m.

Public comment on extending the meeting was received from MaryAnn Boylan and Kellie Morgantini, who both supported the extension.

City Council Minutes

The motion passed by the following roll-call vote:

AYES: 5 COUNCILMEMBERS: Barber, Garcia, Haffa, Smith, Williamson
 NOES: 0 COUNCILMEMBERS: (None)
 ABSENT: 0 COUNCILMEMBERS: (None)
 ABSTAIN: 0 COUNCILMEMBERS: (None)
 RECUSED: 0 COUNCILMEMBERS: (None)

City Manager Uslar reflected that majority consensus of the Council was interested in a rental registry, rent stabilization, and a rental assistance program. He said he had heard less clear direction around the matter of a vacancy tax. He estimated it would take City staff 12-18 months to get a rental registry up and running.

A motion was introduced by Councilmember Barber, and seconded by Councilmember Haffa, to direct staff to begin work on a rental registry and return to Council in the future with more information on rent stabilization options.

Council discussed the motion. It was proposed to pay ECHO Housing to provide tenants more help.

The motion passed by the following roll-call vote:

AYES: 4 COUNCILMEMBERS: Barber, Garcia, Haffa, Williamson
 NOES: 1 COUNCILMEMBERS: Smith
 ABSENT: 0 COUNCILMEMBERS: (None)
 ABSTAIN: 0 COUNCILMEMBERS: (None)
 RECUSED: 0 COUNCILMEMBERS: (None)

PUBLIC HEARING (EVE)

8. Recommend that the City Council Adopt the 2023/2024 Annual Action Plan for Community Development Block Grant Funds and Authorize Submittal to the U.S. Department of Housing and Urban Development (Exempt from NEPA per 24 CFR Part 58 and from CEQA per Article 19, Section 15301, Class1, 15306, Class 6 and 15326, Class 26)
Action: Adopted Resolution No. 23-047 C.S.

This item was heard after Item 9, pursuant to the Council's above vote. Community Development Director Cole gave a brief staff presentation.

Public comment was not received.

On a motion by Councilmember Haffa, seconded by Councilmember Smith, and carried by the following roll-call vote, the City Council adopted Resolution No. 23-047 C.S. to Adopt the 2023/2024 Annual Action Plan for Community Development Block Grant Funds and Authorize Submittal to the U.S. Department of Housing and Urban Development:

AYES: 5 COUNCILMEMBERS: Barber, Garcia, Haffa, Smith, Williamson
 NOES: 0 COUNCILMEMBERS: (None)
 ABSENT: 0 COUNCILMEMBERS: (None)
 ABSTAIN: 0 COUNCILMEMBERS: (None)
 RECUSED: 0 COUNCILMEMBERS: (None)

City Council Minutes

COUNCIL COMMENTS

None made due to the late hour.

CITY MANAGER REPORTS

None made due to the late hour.

CLOSED SESSION ANNOUNCEMENT

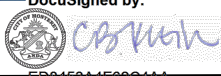
Remaining closed session matters continued from the afternoon were not heard due to the late hour.

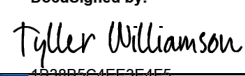
ADJOURNMENT

The Council adjourned at 11:29 p.m.

Respectfully Submitted,

Approved,

DocuSigned by:

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Clementine Bonner Klein
City Clerk

Tyller Williamson
Mayor