



**MEETING MINUTES
OF THE
CITY COUNCIL OF THE CITY OF PACIFIC GROVE**

**March 15, 2006 – 6:00 p.m.
CITY HALL – COUNCIL CHAMBERS
300 FOREST AVENUE, PACIFIC GROVE, CA**

Mayor James Costello called the meeting to order at 5:00 p.m. Members present included Costello, Mayor Pro Tempore Daniel Cort, Council Member Lisa Bennett, Council Member Goldbeck, Council Member Scott Miller, Council Member Susan Nilmeier and Council Member Ron Schenk.

APPROVAL OF AGENDA

On motion of Cort, seconded by Nilmeier, Council unanimously approved the agenda.

REPORTS OF COUNCILMEMBERS

- Mayor Costello read a letter from South County Housing explaining an error in the random drawing of the resident selection process for the Vista Point Apartments and announced a re-drawing for the Local Plus units on Tuesday, March 22, 2006 at 4:00 p.m. at the Community Center.
- Council Member Goldbeck expressed concern over the error in the random drawing of the resident selection process and requested that Jan Lindenthal of South County Housing attend the next Council meeting to review the process and answer questions of the Council.
- Council Member Schenk invited all to attend the Good Old Days celebration April 8th and 9th. He further commended South County Housing on their handling of the error and the efforts they have made to rectify the situation.
- Council Member Bennett announced that she had spoken with South County Housing who indicated that they were prepared to come and issue a public apology if the Mayor so requested. Bennett further invited all to attend several upcoming Chamber of Commerce events.
- Mayor Pro Tempore Cort invited all to visit the Pacific Grove Museum of Natural History to view an exhibit commemorating the centennial of the 1906 San Francisco earthquake and participate in the lecture series.
- City Manager Colangelo informed Council that staff continues to work on a Public Records policy.
- Museum Director Finnegan invited all to visit the Museum of Natural History to view a photo exhibit of the California poppy and participate in the lecture series.

ORAL COMMUNICATIONS

- Joe Asling complimented the lighthouse docents on their compilation of a centennial video of the Point Pinos Lighthouse which won an award from Access Monterey Peninsula (AMP). Asling further complimented AMP and Museum Director Finnegan for their support of the project.
- Georgia Grothe expressed her frustration and concern over the error in the random drawing of the resident selection process for the Vista Point Apartments.
- John Fischer complimented South County Housing for their quick and thorough response to the error in the random drawing of the resident selection process. Fischer further voiced concern that at the previous meeting, a Council Member stepped down on item 5B but returned to the room before the item was completed and another Council Member abstained from a vote without leaving the room.
- David Dilworth voiced concern over the loss of trees in a proposed golf course project in Pebble Beach and further announced “Sunshine Week,” highlighting open government.
- Lee Willoughby of the Tidepool Coalition expressed concern over the potential loss of a portion of the Marine Refuge to Hopkins Marine Station of Stanford University for private research under the proposed MLPA initiative.
- Sheray Lautterback read a letter from Leon Pannetta to her mother Louise in which Pannetta expressed support for the Tide Pool Coalition’s position related to the proposed MLPA initiative.
- Carmelita Garcia thanked the City’s Department Heads and their support staff for providing an update on compliance with the Americans with Disabilities Act Transition Plan. Garcia further thanked staff for sending letters to applicants requesting appointment to the City’s Boards, Committees and Commissions; pointed out that Council Members are allowed to present nominations to Boards, Commissions and Committees under the Municipal Code; and suggested a review of the Municipal Code related to the appointment process.
- Snick Farkas presented the Colossus of Gold.

CONSENT AGENDA

Council Member Bennett removed item 2C to the Regular Agenda. Council Member Miller and David Dilworth removed item 3A to the Regular Agenda. John Fischer removed item 2A to the Regular Agenda. On motion of Schenk, seconded by Miller, Council **approved the Consent Agenda as follows:**

A. Approved the minutes of the February 21, 2006 special meeting.

B. Approved the minutes of the February 28, 2006 special meeting.

C. Approved the minutes of the March 1, 2006 regular meeting.

2B. Passed and adopted Ordinance No. 06-002 granting a revocable license for encroachment of concrete pavers in the public way adjacent to 1016 Jewell Avenue.

3B. Received the 2005 Annual Report of the Americans with Disabilities Act Compliance Advisory Committee.

4A.B.C.D.E.F.G. Received reports of meetings from the following Boards, Commissions and Committees:

Americans with Disabilities Act Compliance Advisory Committee	January 25, 2006
Architectural Review Board Site Review	February 28, 2006
Architectural Review Board	February 28, 2006
Historic Resources Committee Site Review	February 8, 2006
Historic Resources Committee	February 8, 2006
Planning Commission Site Review	February 28, 2006
Planning Commission	March 2, 2006

ITEMS REMOVED FROM CONSENT AGENDA

2A. Mayor Costello introduced John Fischer who questioned Golf Fund balances in the proposed amended 2005/2006 Budget. City Manager Colangelo answered questions from Council. There were no comments from the public. On motion of Schenk, seconded by Bennett, Council unanimously **introduced an ordinance amending the 2005/2006 Budget and approved the ordinance for publication.**

3A. Mayor Costello introduced David Dilworth who asked to hear a staff report on the item. Community Development Director Biggs reviewed the Affordable Housing Monitoring Report and answered questions from Council. Georgia Grothe and Marilyn Bell spoke to the issue. On motion of Miller, seconded by Schenk, Council unanimously **received the Affordable Housing Monitoring Report.**

REGULAR AGENDA

5A. Mayor Costello introduced Community Development Director Biggs who introduced Associate Planner Rideout who reviewed an appeal of the Planning Commission's approval of amendments to a Use Permit and Variance at 829 Ocean View Boulevard and answered questions from Council.

Mayor Costello opened the Public Hearing at 7:13 p.m.

- William McCrone, attorney and designated proponent for appellants Steven and Renate Barnett, spoke in favor of the appeal, indicating that the project involved a non-conforming building on a non-conforming lot which has already been granted six variances.
- Appellant Steven Barnett expressed concern over lack of parking for the project as well as concern over the precedent that would be set by allowing the addition.

- Noel Nicholes spoke in favor of the appeal citing a non-conforming residence on a non-conforming lot as well as parking concerns.
- Appellant Renate Barnett spoke in favor of the appeal citing a non-conforming residence of a non-conforming lot which has already been granted six variances, discrepancies in lot size, Code and Zoning discrepancies, as well as parking issues.
- Virginia Steinhard-Madden spoke in favor of the appeal indicating that the project does not comply with current Code and Zoning laws
- Jennifer Pembre spoke in favor of the appeal asking Council to preserve the character of the homes on Mermaid Avenue
- Mark O'Connor, litigation attorney for appellants Steven and Renate Barnett, spoke in favor of the appeal citing the precedent that would be set by allowing the addition.
- Daniel Davis spoke in favor of the appeal indicating that the residence is non-conforming as it relates to lot coverage.
- Jana Matheson spoke in favor of the appeal citing the precedent that would be set by allowing the addition to a non-conforming residence.

- John Bridges, attorney and designated speaker for the opponents, Steve and Cathy Rosen, indicated that a 1994 update to the General Plan made this lot conforming and further indicated that the project is compliant with current Zoning Regulations. He indicated that variances are site specific and public parking is available.
- Ed Bredthauer, architect for the project, spoke in opposition to the appeal and reviewed the square footage, setbacks, and other architectural elements of the addition.
- Steve Rosen, property owner of 829 Ocean View Boulevard, spoke in opposition to the appeal, countering claims that he does not use his car port.
- Cathy Rosen, property owner of 829 Ocean View Boulevard, spoke in opposition to the appeal, stating the project was born out of a need for more work space with over 190 local residents in support of the project
- Thelma Wilson spoke in opposition to the appeal indicating that the addition seems very modest, reasonable and well planned.
- David Dilworth spoke in opposition to the appeal stating that this project is not “mansionisation” and is in compliance with all existing laws.
- Bob Franco spoke in opposition to the appeal stating that a variance would not set a precedent because it is by its nature, an exception.
- Pat Hensley spoke in opposition to the appeal asking Council to support the Planning Commission’s approval of the project.
- Richard Stillwell spoke in opposition to the appeal stating that all of the homes on Ocean View Boulevard will eventually be two-story homes.
- Mikaline Marose spoke in opposition to the appeal indicating that the addition is well suited to the neighborhood.
- Bob Dryer spoke in opposition to the appeal stating that the unusual lot must be dealt with unusually with this modest, reasonable and well suited addition.

Mayor Costello closed the Public Hearing at 8:15 p.m.

Bob Davis, Chair of the Planning Commission answered questions from Council. On motion of Goldbeck, seconded by Schenk, Council unanimously **denied the appeal of the Planning Commission's approval of amendments to Use Permit No. 1805-85 allowing an addition to a two-story, single-family dwelling in the R-3-P.G.B. zone district, and Variance No. 85-980 for proposed exceptions.**

At 8:27 p.m., Council took an eleven minute break, returning at 8:38 p.m.

5B. Mayor Costello introduced Police Chief Miller who reviewed an engineering and traffic survey which indicates the need to increase speed limits on certain streets in Pacific Grove and introduced Traffic Engineer Malcom Knisely who further reviewed the report. Engineer Knisely and Chief Miller answered questions from Council.

Mayor Costello opened the Public Hearing at 9:09 p.m.

- Traffic Commissioner George Shayne spoke in favor of the speed limit increases and answered questions from Council.
- David Dilworth spoke in favor of traffic calming measures in addition to enforcement.

Mayor Costello closed the Public Hearing at 9:18 p.m.

On motion of Miller, seconded by Nilmeier, Council **directed staff to return with an ordinance amending Pacific Grove Municipal Code Section 16.56.110 which provides for increasing the speed limits on certain City streets**, with Cort dissenting.

6A. Mayor Costello introduced City Manager Colangelo who reviewed a request to waive the imposition of a late penalty on the Deer Haven Inn and Suites for failing to submit their Transient Occupancy Tax payment on time and answered questions from Council. Georgia Grothe spoke to the issue. On motion of Schenk, seconded by Cort, Council **approved an appeal of the City Manager's imposition of a penalty on the Deer Haven Inn and Suites for failing to submit their Transient Occupancy Tax payment on time and directed staff to return with an ordinance amending the Pacific Grove Municipal Code to provide a mechanism for the City Manager to administratively waive the penalty under certain conditions.**

6B. Mayor Costello introduced City Manager Colangelo who reviewed a request to enter into an agreement with the Franchise Tax Board related to the City's business license tax. Georgia Grothe spoke to the issue. On motion of Schenk, seconded by Miller, Council **approved the Agreement with the Franchise Tax Board for the Local Government Sharing Program to assist in ensuring compliance with the City's business license tax and directed staff to take appropriate action to implement the Agreement**, with Goldbeck dissenting.

6C. Mayor Costello introduced City Manager Colangelo who reviewed the proposed response to the 2005 Monterey County Grand Jury Report. David Dilworth spoke to the issue. On motion of Goldbeck, seconded by Costello, Council **approved the response to the 2005 Monterey**

County Grand Jury Report Section on open government, with Miller and Goldbeck dissenting.

At 10:07 p.m., on motion of Goldbeck, seconded by Bennett, Council unanimously voted to **address item 2C and continue items 7A, 7B and 7C to the April 5, 2006 City Council meeting.**

2C. Mayor Costello introduced Council Member Bennett who questioned proposed changes related to the position of City Arborist. City Manager Colangelo answered questions from Council. There were no comments from the public. On motion of Bennett, seconded by Goldbeck, Council unanimously **passed and adopted Ordinance No. 06-003 establishing a new Director of Management and Budget position (304-0002) and passed and adopted Ordinance No. 06-004 converting the part-time Arborist position to full-time (168-004).**

CLOSED SESSION

At 10:15 p.m. pursuant to California Government Code Section 54957.6, Council met in closed session with its Designate Representative, James J. Colangelo, regarding labor negotiations: Fire Management Association, General Employees' Association, Management Employees' Association, Police Management Association and the Police Officers' Association; and pursuant to California Government Code Section 54956.9, Council met in closed session to consider existing litigation, 3 cases: ERF v. City of Pacific Grove, Longstaff v. City of Pacific Grove and Royal v. City of Pacific Grove.

ADJOURNMENT

There being no further business, Council adjourned at 11:08 p.m.

Respectfully Submitted,

Jean-Marie McLaren
Assistant City Clerk

APPROVED BY MAYOR: _____

ATTEST BY ASSISTANT CITY CLERK: _____