



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

**May 17, 2006 – 6:00 p.m.
CITY HALL – COUNCIL CHAMBERS
300 FOREST AVENUE, PACIFIC GROVE, CA**

Mayor James Costello called the meeting to order at 6:00 p.m. Members present included Costello, Mayor Pro Tempore Daniel Cort, Council Member Lisa Bennett, Council Member Susan Goldbeck, Council Member Scott Miller, Council Member Susan Nilmeier and Council Member Ron Schenk.

PRESENTATIONS

Mayor Costello presented the Employee of the Quarter Award to Bridget Luce.

Mayor Costello presented a Certificate of Recognition to Jordan Dewitt for his heroic actions in aiding the Pacific Grove Police Department on May 15, 2006.

APPROVAL OF AGENDA

On motion of Schenk, seconded by Goldbeck, Council voted to **address item 10A before item 7A**. On motion of Costello, seconded by Goldbeck, Council **moved item 9B to the consent agenda**.

REPORTS OF COUNCILMEMBERS

- Council Member Miller congratulated the Pacific Grove Police Department for arrests made in the Olinger case.
- Council Member Miller encouraged the public to carefully review Measure A and the School Bond Measure before voting.
- Mayor Pro Tempore Cort announced that Sustainable Monterey County would be hosting a talk entitled Sustainability and Community Solutions, May 30, 2006 at 6:30 p.m. in the LeBeck Room at the Community Center.
- Council Member Bennett, on behalf of the Chamber of Commerce, congratulated all on a successful Highway 68 Clean-Up and invited the public to attend the Grand Opening of Ocean 18 Miniature Golf, May 18th from 5:00 until 7:00 p.m.; the Grand Opening of The Cellar Door, May 25th from 5:00 until 7:00 p.m.; and the Memorial Day sidewalk sale co-sponsored by the Downtown Business Improvement District.
- Museum Director Finnegan indicated that Stuart Wiess had visited the Monarch Sanctuary on May 15th to review past plantings and make additional recommendations. Based on his recommendations, one 15 gallon memorial Cypress tree had been planted, and staff was meeting with an individual who wished to plant a pine tree. One pine tree and several Eucalyptus trees remain to be planted.

- Museum Director Finnegan indicated that Council had received a request for tagging of monarch butterflies, noting that they would be hearing from several experts on the topic.
- Mayor Pro Tempore Cort thanked Museum Director Finnegan for opening the Museum and hosting recent sustainability events.

ORAL COMMUNICATIONS

- Chamber of Commerce President Moe Ammar recognized Police Chief Miller, and Commanders Engles and Uretsky for their work in the Olinger case. He then presented the City of Pacific Grove with a van donated by the family of Richard Chamberlin for use in the Recreation Department.
- Lee Willoughby, representing Francis Williams of Save Our Refuge, invited all to meet the “Ladies in their 80’s” who would be gathering signatures to submit to the California State Department of Fish and Game outside the Post Office on Friday, May 19th at 2:00 p.m.
- Snick Farkas presented the Colossus of Gold

CONSENT AGENDA

Staff continued item 2A due to a noticing issue. Council Member Miller removed item 4A and citizen Jeannie Byrne removed item 4C to the regular agenda. On motion of Cort, seconded by Miller, Council unanimously **approved the Consent Agenda as follows:**

1A. Approved the minutes of the May 3, 2006 regular meeting.

2B. Introduced an ordinance amending Pacific Grove Municipal Code Sections 16.40.515, 16.56.065, 90 Minute Parking and 16.40.320, Loading Zone Lengths to allow the installation of a 90 minute parking zone and a 3 minute loading zone in front of Robert Down Elementary School on Pine Avenue and approved it for publication.

3A. Approved Resolution No. ____ adopting the National Incident Management System (NIMS), as enhanced by the Standardized Emergency Management System (SEMS), as the official regulatory guidance for emergency response, preparedness, mitigation, prevention and recovery within Pacific Grove.

4B. Approved Agreement with ICOMMM, Inc. for annual software service for Sewer System Maintenance Management Program and authorized the City Attorney to execute the Agreement.

4D. Approved and authorized the Mayor to send a letter to the California Department of Transportation concerning the February 9, 2006 fatal collision on State Route 68, Sunset Drive at 19th Street and recommendations for safety improvements.

5A.B.C.D.E. Received reports of meetings from the following Boards, Commissions and Committees:

Architectural Review Board Site Review	May 9, 2006
Architectural Review Board	May 9, 2006
Planning Commission Site Review	May 2, 2006
Planning Commission	May 4, 2006
Traffic Commission	February 14, 2006
Traffic Commission	March 14, 2006

9B. Approved a voluntary policy designating the 2006 Feast of Lanterns as a “Tobacco Free” event.

REGULAR AGENDA

4C. Mayor Costello introduced Jeannie Byrne who asked for a waiver of the fee associated with the sidewalk sale. Not on the agenda. On motion of Bennett, seconded by Miller, Council unanimously granted exemption and agendized fee waiver.

6A. Mayor Costello introduced Community Development Director Biggs who indicated that the architect for the project at 837 Ocean View Boulevard asked that consideration of the item be continued to the June 21st City Council meeting to allow for further historical review of the site.

Mayor Costello opened the public hearing at 6:30 p.m.

- There were no public comments

Mayor Costello closed the public hearing at 6:30 p.m.

On motion of Schenk, seconded by Goldbeck, Council unanimously **continued the appeal of the Historic Resources Committee’s action to add the property at 837 Ocean View Boulevard to the Historic Resources Inventory to the June 21, 2006 City Council meeting.**

6B. Mayor Costello introduced City Manager Colangelo who reviewed the circumstances related to his request to impose a penalty on DMC Construction for violation of the Subletting and Subcontracting Fair Practices Act and answered questions from Council.

Mayor Costello opened the Public Hearing at 6:50 p.m.

- Dan McAweeney, President of DMC Construction, urged Council to waive the proposed penalty.
- Ned Van Valkenburg, field representative of the Carpenter’s Union, urged Council to impose the proposed penalty.
- Jeannie Byrne urged Council to waive the proposed penalty.
- Moe Ammar, President of the Chamber of Commerce, urged Council to waive the proposed penalty.
- Lee Yarborough urged Council to waive the proposed penalty.
- Ray Burn of DMC Construction urged Council to waive the proposed penalty.

Mayor Costello closed the Public Hearing at 7:10 p.m.

A motion of Schenk to note and acknowledge the violation and not impose the penalty, did not receive a second.

A motion of Miller, seconded by Bennett, to impose a penalty of \$47,957 on DMC Construction for violation of the Subletting and Subcontracting Fair Practices Act, failed with Cort, Goldbeck, Nilmeier and Schenk dissenting.

A motion of Bennett to impose a \$40,000 fine did not receive a second

On motion of Goldbeck, seconded by Nilmeier, Council **imposed a penalty of \$25,000 on DMC Construction for violation of the Subletting and Subcontracting Fair Practices Act**, with Costello, Cort, and Schenk dissenting.

10A. Mayor Costello introduced Council Member Miller who reviewed his proposal to reduce or eliminate Mayor and Council pay. Jeannie Byrne and Madeline Clark spoke to the issue. A motion of Goldbeck, seconded by Schenk, to not reduce or eliminate Council pay, failed with Cort, Bennett, Goldbeck and Nilmeier dissenting.
Miller, Bennett, Cort, Nilmeier

A motion of Bennett to eliminate Council pay for 6 months did not receive a second.

On motion of Schenk, seconded by Goldbeck, Council voted to allow Council Members to elect not to receive compensation on an individual basis, with

A motion of Miller, seconded by Nilmeier, to reduce Mayor and Council pay by 50%, failed with Costello, Cort, Bennett, Goldbeck and Schenk dissenting.

On motion of Bennett, seconded by Goldbeck, Council voted to not address the issue, with Miller dissenting.

At 8:15 p.m., Council took an 11 minute break returning at 8:26 p.m.

7. The following reports were given by the City's Boards, Commissions and Committees:

- Beautification and Natural Resources Committee – Jean Anton: asked for an update on the hiring of a City arborist, citing concerns that more trees are being removed than are being planted. Anton further stated that the Committee has identified the need for recycling containers throughout the City noting that they are in search of funding. A tree planting subcommittee has been established but awaits the hiring of an arborist before beginning work. The Newsrack ordinance remains on the back burner. The Committee is considering the establishment of a Clean-Up day in September. Read an e-mail from Tidepool subcommittee reviewing the work they have done to date and asking to bring a

proposal for a Tidepool Monitoring and Docent program to the June 21st City Council meeting.

City Manager Colangelo indicated that the City is currently reviewing applications for arborist. City Attorney Laredo indicated that he and Public Works Supervisor Leiker had drafted a letter to send to individuals who are in non-compliance with the City's tree re-planting policy.

- Housing Committee – John Fisher: thanked Associate Planner Julie Uretsky and Community Development Director Biggs for establishing a work-program for the Committee. He further noted that the Committee is pursuing and researching additional affordable housing in the hope that land would become available in the near future.
- Museum Advisory Committee – Larry Telles: within the next year there will be a permanent exhibit on the California Condor. A subcommittee continues to work on temporary exhibits for 2008 and beyond. Another subcommittee is working on re-accreditation of the Museum. Telles indicated that they are working to bring a path in to compliance with the Americans with Disabilities Act and would be using the path as a historic walk.

8A. Mayor Costello introduced Community Development Director Biggs who reviewed the recommendations of the City's *ad hoc* Water Issues Committee and answered questions from Council. There were no comments from the public. On motion of Goldbeck, seconded by Miller, Council unanimously **received the report of the *ad hoc* Water Issues Committee and directed staff to explore further water that has been allocated but not used and alternative water sources.**

8B. Mayor Costello introduced City Manager Colangelo who reviewed a request to establish a stewardship fund for donations made to the Monarch Room expansion project at the Pacific Grove Public Library. Dave Whittick, President of Friends of the Library; Gail Hall; and Madeline Clark spoke to the issue. On motion of Goldbeck, seconded by Bennett, Council unanimously directed staff to draft a joint letter with the Friends of the Pacific Grove Public Library notifying donors to the Monarch Room Project that their donated funds will be transferred to the Community Foundation for the establishment of a Stewardship funds, or can be returned or can be transferred to the Library operating fund; and bring it back to Council for review.

8C. Mayor Costello introduced City Manager Colangelo who reviewed a proposed finance plan for use of the pension obligation bonds and answered questions from Council. Barry Dolowich, Chair of the *ad hoc* Finance and Budget Subcommittee, spoke to the issue. On motion of Bennett, seconded by Cort, Council unanimously **approved the finance plan for the use of pension obligation bonds.**

9A. Mayor Costello introduced ADA Coordinator Gunter who reviewed a summary report of the site review of the Pacific Grove Municipal Golf Links by the Americans with Disabilities Act Compliance Advisory Committee and answered questions from Council. John Fischer spoke to the issue. On motion of Bennett, seconded by Miller, Council unanimously **accepted the report summary and report of the March 29, 2006 site review of the Pacific Grove Municipal Golf Links by the Americans with Disabilities Act Compliance Advisory Committee, and directed staff to return with cost estimates for the recommended alterations.**

9C. Mayor Costello introduced City Manager Colangelo who reviewed a request from the Monterey County Convention and Visitors Bureau (MCCVB) for participation in a Tourism Improvement District (TID). John McMahon, of the MCCVB, gave a presentation explaining the role of the Bureau and the proposed TID. Nick Elliott, representing the membership of the MCCVB; Moe Ammar of the Pacific Grove Chamber of Commerce; John Fischer; David Dilworth; Karen Radford, manager of the Monterey Visitor's Center; Marietta and Pierre Bain of Fandango Restaurant; and Nat Rojanasathira spoke to the issue. On motion of Schenk, seconded by Cort, Council unanimously **denied the request from the Monterey County Convention and Visitors Bureau for participation in the Tourism Improvement District formation and Public-Private Tourism Promotion funding proposal.**

At 10:48 p.m., on motion of Goldbeck, seconded by Cort, Council unanimously agreed to address the remaining items on the agenda.

4A. Mayor Costello introduced Council Member Miller who questioned whether the City Manager in 1991 who issued the golf privileges had prevue to do so. David Dilworth spoke to the issue. On motion of Miller, seconded by Bennett, Council **denied and referred to staff, Claim for Damages No. L2006-11 ~ M. Fisher.**

10B. Council gave the following reports:

- There were no meeting reports

ADJOURNMENT

There being no further business, Council adjourned at 10:52 p.m.

Respectfully Submitted,

Jean-Marie McLaren
Assistant City Clerk

APPROVED BY MAYOR:

ATTEST BY ASSISTANT CITY CLERK:
