



ACTION MINUTES

CITY COUNCIL OF THE CITY OF PACIFIC GROVE

CLOSED SESSION

5:30 p.m. – January 16, 2008

City Manager's Conference Room – City Hall – 300 Forest Avenue – Pacific Grove, CA

Public Announcement of Action Taken in Closed Session:

1. Pursuant to California Government Code Section 54956.9(a), Council will meet in closed session with Legal Counsel to consider pending litigation; two cases:
 1. *Morris Fisher v. City of Pacific Grove* (M81499)
COUNCIL ACTION: Direction was given to Staff and City Attorney.
 2. *Anthony Iriarte v. Monterey Bay Engineering; MBE v. City of Pacific Grove* (M83497)
COUNCIL ACTION: Direction was given to Staff and City Attorney.
2. Pursuant to California Government Code Section 54956.9(a), Council will meet in closed session with Legal Counsel to consider existing litigation; two cases:
 1. *Carl Miller v. City of Pacific Grove, Workers' Compensation Appeals Board* (SAL 00117163; SAL0117166)
COUNCIL ACTION: Upon motion of Mayor Dan Cort, seconded by Council Member Stilwell, and carried, with Council Member Davis absent, authorization given for a settlement of \$21,965 to cover medical costs with a 24% permanent disability rating.
 2. *Cameron White v. City of Pacific Grove, Workers' Compensation Appeals Board* (SAL ----- (2004))
COUNCIL ACTION: Removed from Closed Session Agenda.

ORDER OF ADJOURNMENT TO OPEN SESSION

ACTION MINUTES

CITY COUNCIL OF THE CITY OF PACIFIC GROVE

OPEN SESSION

6:00 p.m. – Wednesday, January 16, 2008

Council Chambers – City Hall – 300 Forest Avenue – Pacific Grove, CA

CALL TO ORDER

Mayor Cort called the meeting to order and asked for a moment of silence in memory of Roe Vacarro, the “Butterfly Lady” and Bud Giles, who assisted many small business in Pacific Grove. He also noted that John Fisher had been hospitalized.

PRESENTATIONS

- A. Presentation of the California Mother-Baby Friendly Workplace Award to the Pacific Grove Chamber of Commerce by Len Foster, Director of Monterey County Health Department
Reference: Mayor Dan Cort

APPROVAL OF AGENDA

COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Nilmeier, and carried, the Council moved approval of the meeting agenda.

COUNCIL AND STAFF ANNOUNCEMENTS

- **City Manager Colangelo**
 - In response to request by Council Member Cohen, Mr. Colangelo provided an up date on the Old Bath House and the movie theater. Regarding the theater he indicated Mr. Ania has the plans for opening the theater and is waiting for approval of permits for interior modifications.
 - Regarding the Old Bath House; there are Local Coastal Program land use issues related to use and proposed expansion of the facilities.
- **Council Member Cohen**
 - Expression of appreciation to former City of Pacific Grove employees for their years of service and dedication.
- **Council Member Miller**
 - Expression of appreciation to the members of the Pacific Grove Fire Department and Police Department for their response and assistance during the recent storms. He also noted the work and assistance of Celia Perez Martines, Public Works Manager and Public Works staff.
- **City Attorney Laredo**
 - The City Attorney’s office will be conducting AB1234 training Thursday, February 7, 2008, from 10:00 a.m. to 12:00 p.m. in the City of Pacific Grove Police Department Training Room. All elected and appointed officials are

required to receive training every two years. Department managers also need to be included.

- **City Manager Colangelo**
 - Recently hired staff was introduced:
 - Ann O'Rourke, Deputy City Clerk
 - Lynn Burgess, Chief Planner
 - Sarah Hardgrave, Senior Planner
- **City Manager Colangelo**
 - Power Point Presentation of damage and issues caused by recent severe storms
- **Council Member Bennett**
 - Commendation of Lynn Burgess regarding quick response to issue brought by Council Member Bennett to Community Development Department on her first day of work.

ORAL COMMUNICATIONS

- Linda Bailey expressed appreciation for the recently departed Pacific Grove City employees and read the list of names of those who had left, including years of service to the City.
- Snik Farkas displayed a drawing and spoke about the recent changes in the City. He praised and thanked the outgoing employees.

CONSENT AGENDA

COUNCIL ACTION: Upon motion of Council Member Bennett, and seconded by Council Member Miller, and carried, the Council approved the following recommended actions unless otherwise noted:

1. **APPROVAL OF CITY COUNCIL MEETING MINUTES**
 - A. Minutes of the December 12, 2007 Special City Council Meeting
Recommended Action: Approve
 - B. Minutes of the December 19, 2007 Regular City Council Meeting
Recommended Action: Approve
2. **RESOLUTIONS**
 - A. **Resolution No. 08-001:** Resolution to Revise Americans with Disabilities Act (ADA) Grievance Procedure
Reference: Management Analyst Fry
Recommended Action: Adopt Resolution
3. **REPORTS OF COMMISSIONS, BOARDS, AND STANDING COMMITTEES**
 - A. Meeting Minutes of the December 13, 2007 Housing Committee
Recommended Action: Receive

- B. Meeting Minutes of the November 13, 2007 Library Board
Recommended Action: Receive
- C. Meeting Minutes of the December 12, 2007 Museum Board
Recommended Action: Receive
- D. Meeting Minutes of the December 19, 2007 Museum Board Special Meeting
Recommended Action: Receive
- E. Meeting Minutes of the December 11, 2007 Recreation Board
Recommended Action: Receive
- F. Meeting Minutes of the September 11, 2007 Traffic Safety Commission
Recommended Action: Receive
- G. Meeting Minutes of the October 9, 2007 Traffic Safety Commission
Recommended Action: Receive
- H. Meeting Minutes of the November 13, 2007 Traffic Safety Commission
Recommended Action: Receive

REGULAR AGENDA

4. REPORTS OF BOARDS, COMMISSIONS AND STANDING COMMITTEES:

- A. Americans with Disabilities Act Compliance Advisory Committee
- B. Architectural Review Board
- C. Beautification and Natural Resources Committee
- D. Cultural Arts Commission
- E. Economic Advisory Committee
- F. Golf Course Advisory Committee
- G. Historic Resources Committee
- H. Housing Committee
- I. Library Board
- J. Museum Board
- K. Planning Commission
- L. Recreation Board
- M. Special Events Committee
- N. Traffic Safety Commission
- O. *ad hoc* Budget and Finance Subcommittee
- P. *ad hoc* Campaign Finance Reform/Conflict of Financial Interest Subcommittee
- Q. *ad hoc* Charter Review Committee
- R. *ad hoc* Crespi Pond Oversight Subcommittee
- S. Monterey County Commission on Disabilities

5. OLD BUSINESS:

- A. **Adopted** Ordinance Granting a Revocable License for the Encroachment of an Awning into the Public Way at 221 Grand Avenue
On December 19, 2007, the City Council introduced an ordinance for a revocable license that would allow encroachment of a pair of awnings into the public way at 221 Grand Avenue.

Reference: Sheila Stains-Ramp, Senior Planner

Recommended Action: Adopt Ordinance

COUNCIL ACTION: Upon motion of Council Member Bennett, and seconded by Council Member Stilwell, and carried.

6. NEW BUSINESS:

- A. **Considered** Whether to Provide Formal Comment on the Miscellaneous Waste Handling Fee Increase Proposed by the Monterey Regional Waste Management District

The Council will consider the proposed fee increase being contemplated by the Monterey Regional Waste Management District. The Council may choose to provide direction to their representative on the District Board regarding this fee increase.

Reference: City Manager Colangelo

Recommended Action: Receive presentation and provide direction to the City's representative to the Monterey Regional Waste Management District

COUNCIL ACTION: Upon motion of Council Member Bennett, and seconded by Council Member Alan Cohen, and carried, with direction given to Gary Bales, City Representative to MRWMD Board to support proposed fee increase.

7. REPORTS OF COUNCIL MEMBERS

A. Meeting Reports

- Association of Monterey Bay Area Governments
 - Council Member Cohen attend on behalf of Council Member Stilwell. Currently the City is not eligible for grant money. Council Member Stilwell will look into the situation.
- Community Human Services
 - Council Member Cohen told the Council that the next meeting would be held on Thursday, January 17, 2008. The only item to be discussed is in regard to leasing a piece of property in Marina.
- Executive Committee, Monterey Bay Division, League of California Cities
 - Mayor Cort informed the Council that the meeting originally scheduled to be held January 4, 2008 at the City Golf Course was cancelled due to storm. Rescheduled for January 15, 2008 and cancelled due to several mayors unable to attend. Currently scheduled for January 25, 2008 at the Point Pinos Grill. Nothing to report at this time.
- Fort Ord Reuse Authority
 - Council Member Davis reported that Supervisor Dave Potter was elected to the Board to replace Supervisor Jerry Smith who had recently passed away. FORA received 10 million dollars to be used for mitigation for munitions in relation to the completion of General Jim Moore Boulevard. Marina reported that the

developer of the new shopping center has delayed building surrounding houses due to slump in housing which has put Marina in a potentially difficult situation.

- Monterey Regional Water Pollution Control Agency, JPA
 - Mayor Cort reported there was no December meeting held
- Monterey-Salinas Transit
 - Council Member Stilwell reported that the Board approved Express Line No. 23 which will run between Salinas, including stop at Hartnell College, and King City. She also exhibited a “referral sheet” used by the Board for items they requested be looked into and brought back on a later Agenda. She proposed the City Council adopt the use of a similar method.
- Transportation Agency for Monterey County
 - Council Member Miller reported that there will be a meeting on January 23, 2008 at 9:00 a.m.

B. Reports of Trips, Conference Attendance, and Meetings (AB 1234)

8. ITEMS REMOVED FROM CONSENT AGENDA

NONE

ORDER FOR ADJOURNMENT

Respectfully Submitted,

Ann D. O'Rourke

Ann D. O'Rourke, Deputy City Clerk

APPROVED BY MAYOR:

ATTEST BY CITY CLERK:
